

SELMA TOWNSHIP
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

ORDINANCE NO. 2-95

THE TOWNSHIP SELMA ORDAINS:

An ordinance to secure the public health, safety, and general welfare of the residents and property owners of SELMA TOWNSHIP, WEXFORD COUNTY, MICHIGAN, by the regulation of noise within said township; to prescribe the penalties for the violation thereof.

SECTION 1: TITLE

This ordinance shall be known and cited as the SELMA TOWNSHIP ANTI-NOISE and PUBLIC NUISANCE ORDINANCE 2-95.

SECTION 2: DEFINITIONS

The following terms used in this ordinance are as follows:

A. "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity.

SECTION 3: ANTI-NOISE REGULATIONS

A. GENERAL REGULATION--no person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the township.

SECTION 4: ANTI-NOISE REGULATION BASED UPON dB(A) CRITERIA

In order to regulate and prove violations occurring under section 3 of this ordinance, any noise in excess of the maximum decibel limits according to the regulations in the true copy of this ordinance.

SECTION 6: VALIDITY

The several provisions of this ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

SECTION 7: PENALTIES

Any person, firm or corporation found violating this provisions of this ordinance shall upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the descretion of the court. Each day that a violation shall continuenis to constitute a separate offense. Provisions of the ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

**SELMA TOWNSHIP
ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE
2-95**

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Selma Township, Wexford County, Michigan, by the regulation of noise within said township, to prescribe the penalties for the violation thereof.

**THE TOWNSHIP OF SELMA, WEXFORD COUNTY, MICHIGAN
ORDAINS:**

SECTION 1: TITLE

This ordinance shall be known and cited as the **SELMA TOWNSHIP ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE 2-95**.

SECTION 2: DEFINITIONS

The following terms used in this ordinance are defined as follows:

A. "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity and a 10 decibel change corresponds to a 10-fold increase or decrease to 1/10th the former intensity.

B. "dB(A)" means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

SECTION 3: ANTI-NOISE REGULATIONS

A. *General regulation*- no person, firm, or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the township.

B. *Specific violations*- the following noises and disturbances are hereby declared to be a violation of this ordinance; provided however that the specifications of the same is not construed to exclude other violations of this ordinance not specifically enumerated.

- 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort, or repose of other persons.**
 - 2. Yelling, shouting, hooting or singing on the public streets between the hours of 10p.m. and 7 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort, or repose of any persons in the vicinity.**
 - 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital, or court.**
 - 4. The operation of any automobile, motorcycle, or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort, or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.**
 - 5. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.**
 - 6. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except thru a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.**
 - 7. The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance, show, sale, display, or other commercial purpose which, by the creation of such noise shall be unreasonably disturbing to other persons in the vicinity.**
 - 8. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the township with the purpose of advertising, where such vehicle, speaker, or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.**
- C. *Exceptions* - none of the prohibitions hereinbefore enumerated shall**

apply to the following:

1. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets, or highways or other property by or on behalf of the State of Michigan, Selma Township, or the County of Wexford, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.

SECTION 4: ANTI-NOISE REGULATIONS BASED UPON dB(A) CRITERIA

In order to regulate and prove violations occurring under Section 3 of this ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this ordinance.

A. Regulations for decibel measurement of noise originating from private properties- noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of persons in the area and is therefore in violation of this ordinance. Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the following limitations. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing, and manufacturing of materials, goods, or products including vehicles.

Zoning Districts	Limitations	Limitations
	7a.m.-10p.m.	10p.m.-7a.m.
Residential (and any area within 500 feet of a hospital regardless of zoning district and agricultural districts located within 500 feet of any dwelling under separate ownership).	55dB(A)	50dB(A)
Agricultural, where at least 500 feet from any dwelling under separate ownership and commercial.	65 dB(A)	55 dB(A)

Harmonic or pure tones and periodic or repetitive impulse sound shall be

in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

the following exceptions shall apply to these regulations under this Section 4, subsection A:

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the county and is currently in effect.

2. All railroad operations shall be subject to the maximum permissible noise levels in industrial districts, regardless of the zone where they are located.

3. Noises occurring between 7a.m. and sundown caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in section 4A by more than 20 dB(A).

4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.

5. Any commercial, agricultural, or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the county zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:

a. The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the county zoning ordinance if available.

b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural) where such a use is specifically allowed as a permissible use.

B. Measurement of noise- all measurements of dB(A) according to subparagraph A of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

SECTION 5: PUBLIC NUISANCE REGULATIONS

No person, firm or corporation shall create, cause or maintain any public nuisance within the township by the unreasonable emission of dust, smoke, fly ash, or noxious odors which are offensive or disturbing to adjacent property owner and residents or persons in the area.

SECTION 6: VALIDITY

The several provisions of this ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

SECTION 7: PENALTIES

Any person, firm, or corporation found violating the provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages, or other appropriate legal actions.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect on May 12, 1995.

By: 
David DeForest/Supervisor

By: 
Vicki Flory/Clerk

By: 
Sharon Johnson/Treasurer

Published April 12, 13, 1995 Cadillac Evening News

Filed with Wexford County Clerk, April 17 1995

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after it's first publication.

TOWNSHIP OF SELMA

By: David DeForest, Supervisor

By: Vicki Flory, Clerk

By: Sharon Johnson, Treasurer

This publication represents a summary of ordinance 2-95. A true copy of the ordinance may be viewed at the Selma Township hall, 4101 S.35 Rd., Cadillac, Mi. It may also be viewed at the Wexford County Clerk's office, Wexford County Building, Cadillac, Mi.