

DEXTER TOWNSHIP ORDINANCE NUMBER 5

ANTI NOISE AND NUISANCE ORDINANCE

ADOPTED: FEBRUARY 16, 1982

EFFECTIVE: MARCH 25, 1982

THE TOWNSHIP OF DEXTER ORDAINS:

SECTION I

1. **DECLARATION OF POLICY.** It is hereby declared to be the policy of this Township that the peace, health, safety, and welfare of its citizens require protection from excessive, unnecessary, and unreasonable noises from any and all sources in the community. It is the intention of the Dexter Township Board to control the adverse effect of such noise sources on the citizens under any condition of use, especially those conditions which have the most severe impact upon a person.

SECTION II

1. **DEFINITIONS.** For the purposes of this Ordinance, certain terms are defined as follows:
 - A. “dBA” means the intensity of a sound expressed in decibels read from a calibrated sound lever meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute Standard S 1.4-1971.
 - B. “Commercial” means a use of the property for purposes other than residential, agricultural, recreation-conservation, or public lands, as those uses are defined in the Dexter Township Zoning Ordinance, now enacted or as subsequently amended.
 - C. “Property Line” means the line which represents the legal limits of the property owned, leased, or other occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public or private street or other public or private area or right-of-way, the “Property Line” shall be the nearest boundary of the right-of-way or area.
 - D. “Residential” means a use of property for temporary or permanent dwelling purposes, or agricultural, recreation-conservation or public lands uses as the same is defined by the Dexter Township Zoning Ordinance now adopted, or hereafter amended.
 - E. “Noise Level” is the maximum continuous sound level or repetitive peak level produced by a source or group of sources as measured with a precision sound level meter using “A” weighting scale, and the meter response function set at “Slow”.
 - F. “Precision Sound Level Meter” is a device for measuring sound level in decibel units within the performance specifications in the American National Standards Institute Standard S1.4, “Specification for Sound Level Meters”.

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G. "Emergencies" are essential activities necessary to restore, preserve, protect, or save lives or property from imminent danger of loss or harm.

SECTION III

1. **GENERAL PROHIBITION.** It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the Township of Dexter.

SECTION IV

1. **MAXIMUM PERMISSIBLE SOUND LEVELS.** No person shall conduct or permit any activity which produces a dBA beyond his property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

TABLE I

USE OF PROPERTY RECEIVING THE SOUND	7 A.M. TO 10 P.M.	10 P.M. TO 7 A.M.
RESIDENTIAL	86	55
COMMERCIAL	86	61

SECTION V

1. **GENERAL EXEMPTIONS.** The following activities are exempted from the sound level limitations of this Ordinance.
 - A. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore public utilities, or to protect persons or property from an imminent danger.
 - B. Sound made to alert persons to the existence of an emergency, danger, or attempted crime.
 - C. Parades, concerts, festivals, fairs or similar activities, provided that the same are conducted subject to any sound limitations established by the Township Board or Board of Zoning Appeals, in the granting of any permit for the approval of such activities.
 - D. A farm or farm operation shall not be found to be a violation of this Ordinance if the farm or farm operation alleged to be a violation conforms to generally accepted agricultural and management practices according to policy as determined by the director of the Michigan State Department of Agriculture.

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SECTION VI

1. TEMPORARY EXEMPTIONS.

- A. The Township Board is authorized to grant a temporary exemption from the maximum permissible sound levels established by this Ordinance, if such temporary exemption would be in the public interest and there is no feasible or prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.
- B. The following factors shall be considered by the Township Board in determining whether to grant a temporary exemption:
 - 1) The balance of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected or any other adverse effects of the granting of the variance.
 - 2) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this Ordinance.
 - 3) The level of the sound to be generated by the event or activity.
 - 4) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested.
 - 5) The density of population of the area in which the event or activity is to take place.
 - 6) The time of day or night which the activity or event will take place.
 - 7) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.
- C. A temporary exemption must be in writing and signed by the Clerk and Supervisor of the Township Board and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) in which it is effective and the dBA level(s) authorized.
- D. A temporary exemption may be granted only for the period of time for which it is reasonably necessary to conduct the activity, which in no case shall exceed 30 days.

SECTION VII

- 1. **VARIANCES.** Persons wishing to continue activities which commenced prior to the adoption of this Ordinance and which create noises in excess of the permitted levels may seek a variance from the Township Board. Such a variance may be granted if the Board finds that strict application of the Ordinance would cause a hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

SECTION VIII

- 1. **PENALTY.** Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor. If the person responsible for an activity which violates this Ordinance

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can not be determined, the owner, lessee, or occupant of the property on which the activity is located, shall be deemed responsible for the violation. A person found responsible for a violation of this Ordinance or who violates this Ordinance shall be guilty of a misdemeanor, and shall be punished by a term of imprisonment not to exceed ninety (90) days, a fine not to exceed \$500, or both, or any per thereof, plus costs of prosecution.

SECTION IX

1. **EFFECTIVENESS.** The within ordinance shall be effective thirty (30) days after its first publication subsequent to adoption.

Township Clerk