

Village of Edwardsburg

Ordinance Number: 2010-0816.001

THE VILLAGE OF EDWARDSBURG ORDAINS:

Sec. 10-0816-001. (1) **Title. Noise Control Ordinance.**

This ordinance shall be known as and may be cited as the Edwardsburg Village Noise Control Ordinance.

Sec. 10-0816-001. (2) **Purpose.**

Excessive levels of sound are detrimental to the physical, mental and social well-being of the citizens of the Village, as well as to their comfort, quality of life, general welfare and safety. The purpose of this ordinance is to regulate or abate noises which annoy, disturb, injure or endanger the comfort, repose, health, peace, safety or welfare of persons within the Village of Edwardsburg, and to establish sound level limits for motor vehicles and transportation noise and other general environmental noise.

Sec. 10-0816-001. (3) **Definitions**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambient noise level: means the all-encompassing background noise associated with a given environment without the sound contribution of the specific source or activity in question, at the location and approximate time at which a comparison with the sound contribution of the specific source or activity is to be made.

Amplified sound system: means a radio, phonograph, compact disc player, tape player, television, musical instrument, from, sound amplifier, or similar device which produces, reproduces, or amplifies sound either electronically or mechanically.

Combination vehicle: means any combination of truck, track tractor, trailer, semitrailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

Essential services: means the erection, construction, alteration, maintenance or operation by any governmental agency or public utility of systems or facilities of the transmission, collection, supply, distribution, disposal or drainage of gas, electricity, steam, water or sewage; communication systems or facilities; transportation systems or facilities; and other similar public systems, facilities or improvements.

Exhaust system: means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

Motor vehicle: means any passenger vehicle, truck, truck-trailer, trailer, or semitrailer propelled or drawn by mechanical power, including Snowmobile.

Muffler: means a device for abating the sound of escaping gases of an internal combustion engine.

Compression Brake: A **Jake Brake** or **Jacobs Brake** is a compression braking mechanism installed on some Diesel engines. When activated, it opens exhaust valves in the cylinders, releasing the compressed air trapped in the cylinders, and slowing the vehicle. These devices are also referred to as **compression release engine brakes**.

The Village of Edwardsburg will post all Truck Route Entries with one of the following messages:

"Brake Retarders Prohibited," "Engine Braking Restricted," "Jake Brakes Prohibited," "No Jake Brakes," "Compression Braking Prohibited," or "Unmuffled Compression Braking Prohibited,"

Noise means any sound, Noise disturbance means any sound which:

- 1) Injures or endangers the safety or health of humans or animals.
- 2) Annoys or disturbs the comfort, repose or peace of a reasonable person of normal sensitivities;
- 3) Endangers or injures personal or real property

Noise, plainly audible: means any noise which is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms or beats.

Noise sensitive zones: means any area within the Village which contains noise sensitive activities such as schools, libraries, churches, hospitals, and nursing homes designated by resolution of the Edwardsburg Village Board and conspicuously posted as a quiet zone.

Property Line: means the imaginary line which represents the legal ownership limits of real property and which separates the real property owned by one person from that owned by another person. In cases involving sound from an activity on a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

Repetitive impulse noise: means a noise having more than five impulses per hour.

Total noise means noises radiating from a vehicle, but not including noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle.

Sec. 10-0816-002 (4)

Applicability

The provisions of this division apply to all sources of sound, **except:**

- (1) Motor vehicles, (as defined in the state motor vehicle code, MCL 257.1 et seq., MSA 9.1801 et seq.) in operation on a public right-of-way.
- (2) Railroad equipment in operation on a railroad right-of-way; or
- (3) Aircraft in flight or in operation at an airport.

Sec. 10-0816.001 (5)

General prohibition.

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any noise disturbance, or to otherwise create noise prohibited by this ordinance.

Sec. 10-0816.001 (6)

The following noises or noise-producing activities

are prohibited:

A) **Amplified sound systems:**

No person shall operate, play or permit the operation or playing of an amplified sound system which produces, reproduces, or amplifies sound:

1. In such a manner as to create a noise disturbance across a property line or within a noise sensitive zone.
2. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, in such a manner as to be plainly audible across a property line or within a noise sensitive zone.
3. For the purpose of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
4. No person operating or in control of a parked or moving vehicle (including all motor vehicles, motorcycles, mopeds, and bicycles) shall operate, play, or permit the operation or playing of an amplified sound system which produces, reproduces, or amplifies sound in such a manner as to be plainly audible from the vehicle as follows:
 - a. At a distance of 50 feet from the vehicle located on a public road, public right-of-way, private road, or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking of motor vehicles, between the hours of 7:00 a.m. and 10:00 p.m.

b. At a distance of 25 feet from a vehicle located on a public road, public right-of-way, private road, or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking of motor vehicles, between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 2010-0816.001 (7) **Loudspeakers, public address systems and similar devices:**

1. No person shall use or operate for any noncommercial purpose any loudspeaker, public address system, or similar device used to amplify sounds between the hours of 10:00 p.m. and 7:00 a.m. of the following day in such a manner as to be plainly audible across a property line or within a noise sensitive zone.

2. No person shall use or operate for any commercial purpose any loudspeaker, public address system, or similar device used to amplify sounds:

a. In such a manner as to create a noise disturbance across a property line or within a noise sensitive zone; or

b. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, on a public right-of-way or public space.

Sec. 2010-0816.001 (8) **Construction noise:**

Between the hours of 10:00 p.m. and 6:00 a.m. of the following day, no person shall use a pile driver, shovel, hammer, derrick, hoist, tractor, roller, or any other construction, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential property line or within a noise sensitive zone.

Sec. 2010-0816.001 (9) **Loading and unloading:**

Between the hours of 10:00 p.m. and 6:00 a.m. of the following day, no person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential property line or within a noise sensitive zone.

Sec. 2010-0816.001 (10) **Stationary signaling devices:**

Except as provided by section 10-0816.002 No person shall sound or permit the sounding of any stationary bell, chime, carillon, siren, whistle, or similar device:

- a. In such a manner so as to create a noise disturbance across a property line or within a noise sensitive zone; or
- b. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, in such a manner as to be plainly audible across a property line or within a noise sensitive zone.

Sec. 2010-0816.009 (11) **Power tools or equipment:**

Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, no person shall operate or permit to be operated power tools or equipment, including any power saw, sander, drill, grinder, garden equipment or similar devices, in such a manner as to be plainly audible across a residential property line or within a noise sensitive zone.

Sec. 2010-0816.010 (12) **Yelling, shouting, hooting or whistling:**

No person shall yell, shout, hoot, whistle, or otherwise create a noise or racket on public streets or from private property;

- a. In such a manner as to create a noise disturbance across a property line or within a noise sensitive zone.

b. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, in such a manner as to be plainly audible across a property line or within a noise sensitive zone.

Sec. 2010-0816.001 (13) **Animals or birds:**

No person shall keep any animal or bird which, by causing a frequent or lone continued noise, shall:

a. Create a noise disturbance across a property line or within a noise sensitive zone; or

b. Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, be plainly audible across a property line or within a noise sensitive zone.

Sec. 2010-0816.001 (14) **Stationary motor vehicles:**

No person shall operate or allow to be operated any motor of a motor vehicle which weights in excess of five tons (10,000 pounds) for a consecutive period of longer than two minutes while the vehicle is in a stationary location on private property located within 150 feet of a residents. The provisions of this section shall not apply:

a. When the vehicle or motor is being used in the course of normal productive work;

b. When the vehicle or motor is being used in connection with work on an essential service;

c. To buses operated for the transportation of passengers while the bus is standing in established turnarounds, terminals or storage yards; or

d. To any vehicle standing within a completely enclosed structure.

Sec. 10-0816.001 (15) **Additional noise disturbances:**

Any one or a combination of the following noises or sources of sound shall also constitute an unlawful noise disturbance:

- a. A noise which exceeds the ambient noise level for that area which is noticeably higher than the surrounding ambient level for that area within the receiving land use.
- b. Any stationary source of sound which admits a pure tone, cyclically varying sound, or repetitive impulsive sound, if the sound exceeds the ambient noise level for that area.
- c. Any source of sound which admits an impulse (the duration of less than one second with an abrupt onset and rapid decay), including metal to metal impact or exploding impacts, and which exceeds the normal ambient level for that area to be heard at the point of complaint within the receiving land use:
 1. Residence districts between 8:00 p.m. and 8:00 a.m.
 2. Commercial districts between 10:00 p.m. and 8:00 a.m.

Sec. 10-0816.001 (16) **Exceptions.**

The following noises or noise-producing activities shall be exempt from the provisions of this article:

- a. Noise associated with athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, colleges or universities.
- b. Noise associated with outdoor gatherings, public dances, shows, concerts, parades, fairs, festivals, and sporting or entertainment events, provided that all necessary permits, licenses or approvals have been obtained from all appropriate jurisdictions for the event, and subject to any alternative maximum sound limits imposed by the Village.

- c. Stationary bells, chimes, or carillons played for religious purposes or in conjunction with religious services, for national celebrations or public holidays, or for other noncommercial purposes, between the hours of 7:00 a.m. and 10:00 p.m., and for a period not to exceed 90 second's duration in any one hour.
- d. Sounds made to alert persons to the existence of an emergency, danger, or attempted crime, including sound made by a stationary safety signals and warning devices.
- e. Noise resulting from the provision of essential services.
 - 1. Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to protect persons or property from an imminent danger.
 - 2. Noise sources associated with the construction, repair, remodeling or grading of any real property, between the hours of 6:00 a.m. and 10:00 p.m. provided that all necessary permits have been obtained from the Village and the permits are currently in effect.
 - 3. Noise sources associated with lawn maintenance equipment when it is functioning within manufacturer's specifications and with all mufflers and noise reduction equipment in use and in proper operating condition, between the hours of 7:00 a.m. and 10:00 p.m.
 - 4. Noise created by mechanical devices, apparatus or equipment associated with agricultural operations, provided the operations do not take place between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

Sec. 10-0816.001 (17) **Violations of ordinance; Ordinance Misdemeanor.**

- 1. A person who violates any provision of this ordinance shall be guilty of a misdemeanor, punishable by an imprisonment not more than 90 days, or by a fine of not more than \$500, or both.

2. No provision of this ordinance shall be construed to impair any common law or statutory cause of action or legal remedy of any person for injury or damage arising from any violation of this ordinance or from other law.

a.) In addition to any other penalties, generating noise in violation of this ordinance is declared a nuisance per se.

It is further ordered that all other Noise Ordinance's in effect at the time this Ordinance is in-acted by the Edwardsburg Village Board will be rescinded and shall be replaced by this official order.

EFFECTIVE DATE: This Ordinance shall be effective upon publication.

ADOPTED BY THE VILLAGE OF EDWARDSBURG BOARD ON THE DAY
16TH OF AUGUST, 2010.

AYES: 6

NAYES: 0

ATTEST:

James Robinson, Village President

Bernadine Tilbury

Bernadine Tilbury, Village Clerk