

RECORD OF ORDINANCES

Village of Roscommon, County of Roscommon

Ordinance No. 51, enacted by Village Council May 16, 1942

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF ROSCOMMON BY REGULATION OF NOISE WITHIN THE VILLAGE.

THE VILLAGE OF ROSCOMMON ORDAINS THE NOISE CONTROL ORDINANCE OF THE VILLAGE.

Section 1. This Article shall be known and cited as the Noise Control Ordinance of the Village of Roscommon.

Section 2. Purpose

It is the purpose of this Article to secure the public health, safety and general welfare of the residents and property owners of the Village of Roscommon by the regulation of noise within said Village; to prescribe the penalties for violation thereof and to repeal ordinances or parts of ordinances of the Village of Roscommon in conflict therewith.

Section 3. Definitions

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

3.1 "Decibel" is a unit used to express and the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 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 $2 \times 10^{-5} \text{ N/M}^2$ (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.

3.2 "db(A)" means the sound pressure level in decibel measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication NASIS 1.4-1917.

3.3 "Noise" means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Section 4. Anti-Noise Regulations

4.1 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 or property owners of the Village.

4.2 Specific Violations. The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated.

4.2.1 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 a volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.

4.2.2 Yelling, shouting, hooting, or singing on the public streets between the hours of 10p.m. and 7:00a.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.

4.2.3 The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital, or court.

4.2.4 The keeping of any animal, bird, or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.

4.2.5 The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud explosive noises. The modification of any noise abatement device on any motor vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.

4.2.6 The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Village and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on weekdays including of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.

4.2.7 The creation of a loud excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential area.

4.2.8 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.

4.2.9 The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Village with the purpose of advertising, where such vehicle, speaker, sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.

4.2.10 The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

4.2.11 The operation of any race track, proving grounds, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobile or vehicles of any kind or nature in any area of the Village where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.

4.3 Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

4.3.1 Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

4.3.2 Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Village of Roscommon, or County of Roscommon.

4.3.3 Parades, carnivals, fairs or other public celebrations or fund raising activities when approved by the Council.

Section 5. Anti Noise Regulations Based Upon db(A) Criteria In order to regulate and prove violation occurring under Section 4 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. However, violations under Section 4 above but which have no decibel determination available shall nevertheless be deemed violations of this Ordinance.

5.1 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. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing, or materials, goods or products, including vehicles.

ZONING DISTRICTS	LIMITATIONS 7AM - 10 PM	LIMITATIONS 10PM - 7AM
Residential (and any area within 500 feet of a hospital or any dwelling under separate ownership regardless of zoning district)	55db(A)	50db(A)
Commercial where at least 500 feet from any dwelling under separate ownership	60db(A)	55db(A)
Industrial	80db(A)	75db(A)

Harmonic or pure tones, and periodic or repetitive impulse sounds shall be in violation when such sounds are at a sound pressure level of 5 db(A) less and 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.

Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the above limitations.

The following exceptions shall apply to these regulations under this Section 5, subsection 1;

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

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

5.1.3 Noises caused by home building repairs or from maintenance of grounds are excluded, provided, such noise does not exceed the limitations specified in Section 5, subsection 1 by more than 20 db(A) and does not extend over a total of eight hours between 7 a.m and sundown.

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

5.1.5 Noise caused by chain saws is excluded provided such noise does not extend over a total of eight hours between 7 a.m. and sundown.

5.2 Measurement of noise.

All measurements of db (A) according to subparagraphs 1 of this Section shall be made by using a sound level meter of standard design and operated on the "A" weight, with "Slow" response.

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 effect 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 \$100 or by imprisonment not to exceed 90 days or by both such fine and imprisonment, at the discretion of the Court. Each day that 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 action.

Section 8. Effective Date

This Ordinance shall take effect on the 6th day of June, 1979. All other Ordinances of the Village of Roscommon or parts of other Ordinances which are in conflict herewith are repealed, only to the extent that they are in conflict with this Ordinance.