

Sharon Township Noise Ordinance (SECOND DRAFT)

THE TOWNSHIP OF SHARON HEREBY ORDAINS:

Section 1. Purpose: Definitions

This Article is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the township through the reduction, control and prevention of noise. It is the intent of this Article to establish standards that will eliminate and reduce unnecessary and excessive community noises from motor vehicles and properties in the township. These noises are physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

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

Commercial means a use of property for purposes other than residential or agricultural.

Costs mean all expenses incurred by the township to enforce this Article, including but not limited to any amounts spent for equipment, testing, personnel, attorney fees, court costs, and all other expenses the township deems necessary to enforce this Article.

dBA means the intensity of a sound expressed in decibels, as measured on the a-weighted network of a sound level meter, as specified by the American National Standards Institute.

Emergency work means any activities that are necessary to restore, preserve, protect or save lives or property from imminent danger, loss or harm.

Legal holiday means the following legal public holidays: New Year's Day (January 1); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November); Christmas Eve Day (December 24); and Christmas Day (December 25).

Motor vehicle shall mean any motorized passenger vehicle, truck, truck-trailer, trailer, or semi-trailer used to transport or carry persons and/or property on roads or on off-road terrain, including but not limited to snowmobiles and off-road vehicles.

Person shall mean every natural person, partnership, association, corporation, club or any other entity which may own, operate or control any property, vehicle, device or facility herein described.

Property line means the line that represents the legal limits of the property owned, leased or occupied by any person.

Residential means a legal use of property for temporary or permanent dwelling and/or agricultural purposes.

Sound level meter means a device used for measuring sound level in decibel units within the performance specifications of the American National Standards Institute.

Section 2. Sound beyond property line.

- (A) The following activities shall be prohibited if they produce audible sound beyond the property line of the property on which they are conducted:
 - (i) The operation of power tools, equipment or machinery on properties adjacent to residential properties between the hours of 7:00 p.m. and 7:00 a.m.
 - (ii) The sounding of any bell, chime, siren, whistle or similar device between the hours of 7:00 p.m. and 7:00 a.m.
 - (iii) The operation or playing of any radio, television, phonograph, drum or musical instrument between the hours of 7:00 p.m. and 7:00 a.m.
 - (iv.) The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds between the hours of 7:00 p.m. and 7:00 a.m.
- (B) The prohibitions set forth in subsection (a) of this section shall be applicable even if the sound level produced by any such prohibited activity does not exceed the applicable level specified in section 3 of this Article.

Section 3. Maximum permissible sound levels from property located within the township.

It shall be unlawful for any person within the township to conduct or permit an activity that produces a dBA beyond the property line of the property on which the activity is conducted, measured from any point thereon, which exceeds the levels set forth in the following table. Where a property is used for both residential and commercial purposes, the residential sound levels shall be used.

<u>Use of Property Receiving the Sound</u>	<u>Maximum dBA between 7:00 a.m. to 7:00 p.m.</u>	<u>Maximum dBA between 7:00 p.m. to 7:00 a.m.</u>
Residential	61	55
Commercial	71	61

Section 4. Mufflers and exhaust systems.

A person shall not operate a motor vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device.

Section 5. Maximum permissible sound levels from vehicles.

- (A) A person shall not operate on any highway or street within the township any motor vehicle that produces total sound exceeding the following limits when measured at a distance of 50 feet from the vehicle:

<u>Vehicle type/manufacturer's gross vehicle weight rating</u>	<u>Maximum permissible sound levels in relation to posted speed limits</u>
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8500 pounds or more	90 dBA where the maximum lawful speed is greater than 35 mph
8500 pounds or more	86 dBA where the maximum lawful speed is 35 mph or less
Less than 8500 pounds	82 dBA where the maximum lawful speed is greater than 35 mph
Less than 8500 pounds	76 dBA where the maximum lawful speed is 35 mph or less
Motorcycle/moped	86 dBA where the maximum lawful speed is greater than 35 mph
Motorcycle/moped	82 dBA where the maximum lawful speed is 35 mph or less

- (B) No person operating or in control of a stopped or moving motor vehicle shall operate or permit the operation of a sound system in the vehicle so as to produce sound that is audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 7:00 p.m., or audible at a distance of twenty-five (25) feet from the vehicle between the hours of 7:00 p.m. and 7:00 a.m.

Section 6. General exemptions.

The following activities shall be exempt from the sound level limitations set forth in this article:

- (A) Emergency work or responses that are necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore utilities or protect persons or property from imminent danger, loss or harm.
- (B) Sound made to alert persons to the existence of an emergency, danger or attempted crime.
- (C) Activities or operations of governmental units or agencies.
- (D) Parades, concerts, festivals, fairs or similar activities, provided, such activities are conducted subject to any sound limitations established by the township in the granting of any permit for the approval of such activities.
- (E) Construction, repair, remodeling, demolition, drilling, wood cutting or excavation work conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, which do not produce a sound level exceeding 86 dBA beyond the property line of the property on which the work is being conducted. This exemption shall not apply to such activities occurring at any time on Sundays and legal holidays, with the exception that a person may engage in such activities at his or her own residence between the hours of 7:00 a.m. and 7:00 p.m. on Sundays and legal holidays.

Section 7. Variances.

- (A) The township may grant variances from the maximum permissible sound levels established in this Article, if such variance 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 variance is sought.
- (B) The following factors shall be considered by the township in determining whether to grant a variance:
 - (i) 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.
 - (ii) The nearness of any residences or any other use that would be adversely affected by sound in excess of the limits set forth in this section.
 - (iii) The level of the sound to be generated by the event or activity.
 - (iv) The density of population of the area in which the event or activity is to take place.
 - (v) The time of day or night during which the activity or event will take place.
 - (vi) The nature of the sound to be produced, including, but not limited to, whether the sound will be steady, intermittent, impulsive or repetitive.
- (C) An variance must be in writing and signed by the township clerk following approval by the township board, and shall set forth the name of the person to whom the variance is granted, the location of the property for which such variance is authorized, the dates and times in which such variance is effective and the maximum dBA levels authorized thereby.

Section 8. Responsibility.

The owner, lessee, lessor, occupant and/or user of any property or vehicle from which sound emanates in violation of this Article may each be held responsible for any violation of this Article. The township shall, at its option, have the right to prosecute any such person for any violation of this Article or may choose to prosecute all such persons.

Section 9. Abatement; notice.

It shall be the duty of the township supervisor, or such person appointed by the supervisor and approved by the township board, to notify in writing any person responsible for creating or maintaining a sound violation, as stated in this Article. The notice shall describe, in detail, the things, acts or uses that are deemed to constitute such violation and which are to be abated within a period of time not to exceed ten days from the date the notice was placed in the mail or delivered to a person in possession of the property or vehicle from which a sound violation emanates. The notice shall also state that failure to comply with its terms in the time set forth in the notice shall constitute a violation of this article.

Section 10. Enforcement; violations.

- (A) Violations of the provisions of this article shall be municipal civil infractions and shall be punishable as follows:
- (i) The fine for any first violation shall be \$100.00 plus costs;
 - (ii) For a second offense within a 2-year period, the fine shall be \$250.00 plus costs;
 - (iii) For a third offense within a 2-year period, the fine shall be \$500.00 plus costs;
 - (iv) For a fourth and subsequent offenses within a 2-year period, the fine shall be \$1000.00 plus costs.
- (B) Each day that a violation exists, or continues to exist, shall constitute a separate offense.
- (C) A violation of any provision of this Article is also hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

Section 11. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 12. Publication.

This Ordinance shall be published in a newspaper of general circulation, as required by law.

Section 13. Effective Date.

This Ordinance shall be effective 30 days after publication.