

# FREEMAN TOWNSHIP ORDINANCE NO. 39

## Ordinance for the Regulation of Noise

An ordinance to provide for the regulation of noise in all Zoning Districts situated in the Township of Freeman, Clare County, Michigan, pursuant to MCLA 41.181, et seq; The purpose of the Ordinance being to protect the Health, Safety, and General Welfare of persons and property in the Township of Freeman; and, to provide penalties for the violation thereof; except that nothing in the ordinance shall be deemed to conflict with the laws of the State of Michigan which supersede Township Ordinances.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF FREEMAN, CLARE COUNTY, MICHIGAN, ORDAINS:

### Section 1: Title

This Ordinance shall be known as the Township of Freeman Ordinance, for the Regulation of Noise in all Zoning Districts situated in the Township of Freeman.

### Section 2: Purpose

The purpose of this ordinance shall be to protect the people and the property of persons of the Township of Freeman in regards to promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the County of Clare and its inhabitants by establishing limitations and regulations on Noise.

### Section 3: Noise Limitations and Measurement Method

No operation or activity shall be carried out which causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed in the following table, in any RESIDENTIAL, COMMERCIAL, AGRICULTURAL, MULTIPLE FAMILY RESIDENTIAL, OR RECREATION/CONSERVATION District; or on, or beyond the boundary lines of any INDUSTRIAL District.

Table A: Maximum Permitted Sound Pressure Levels in Decibels

Octave Band (Cycles per Second)	Day (Decibels or dB (A))	Night (Decibels or dB (A))
00 to 74	80	60
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1199	51	44
1200 to 2399	45	39
2400 to 4799	38	33
4800 and above	36	31

All measurements of Noise Decibels shall be determined at the property line of the complaint.

### Section 4: Specific Violations

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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 hereby to be construed to exclude other violations of this Ordinance not specifically enumerated:

A. 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 unreasonable upset or disturb the quiet, comfort or repose of other persons.

B. Yelling, shouting, hooting, or singing on the public streets between the hours of 10:00 o'clock p.m. and 7:00 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.

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

D. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably upset or 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.

E. The operation of any automobile, motorcycle, recreational vehicle and watercraft, 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 the failure to maintain same so that the noise emitted by such vehicle as originally manufactured shall be in violation of this section.

F. The use of any instrument or device for the purpose of attracting attention on the streets of the Township with the purpose of advertising, other than between the hours of 7:00 a.m. and sundown on any day, shall be in violation of this section.

#### Section 5: Exceptions

None of the prohibitions herein before enumerated shall apply to the following:

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

B. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Townships within the County of Clare, or the County of Clare between sundown and 7:00 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.

C. Warning devices emitting sound for warning purposes as authorized by law.

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D. Any activity that is a "farm operation" with the Michigan Right to Farm Act, 1980 Public Act #93, MCLA 286.471 et sec.

E. The erection, excavation, demolition, alteration or repair of any building or premise in any part of the Township between 10:00 p.m. and 7:00 a.m. due to an urgent necessity in the interest of public or private health and safety.

F. Firearms discharged in a legal hunting zone or target range.

**Section 6: Penalties**

Any person, firm or corporation found violating this provision of this ordinance is responsible for a civil infraction as defined by Michigan law and subject to a civil fine. Additionally, the violator shall pay cost, which may include all direct or indirect expenses the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

**Effective Date**

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Freeman Township.

Newspaper publication date: July 16, 2020

Effective Date: August 15, 2020

Adopted by the Freeman Township Board: July 9, 2020

Al Housler, Freeman Township Supervisor, Clare County, Michigan

Al Housler, Date 7-9-20

Julie Lightfoot, Freeman Township Clerk, Clare County, Michigan

Julie Lightfoot, Date July 9, 2020  
Freeman Township Clerk