

Chapter 119 NOISE CONTROL

ARTICLE I. NON-VEHICULAR NOISE

9:360. Applicability.

The provisions of Article I apply to all sources of sound except: 1) motor vehicles (as defined in the State Motor Vehicle Code, 1949 P.A. 300 (MCLA 257.1 et seq.) in operation on a public right of way; 2) aircraft in flight or in operation at an airport; 3) railroad equipment in operation on railroad rights of way.

9:361. Definitions.

As used in this Article:

- (1) "dB(A)" means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute standard S 1.4-1971.
- (2) "Commercial" means a use of the property for purposes other than residential.
- (3) "Property line" means the imaginary line which represents the legal limits of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation or institution. 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.
- (4) "Residential" means a legal use of property for temporary or permanent dwelling purposes.

9:362. 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 City of Ann Arbor.

The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted:

- (1) The operation, between 10:00 p.m. and 7:00 a.m., of power tools or equipment.
- (2) The operation, between 10:00 p.m. and 7:00 a.m., of any device for killing, trapping, attracting, or repelling insects or other pests.
- (3) The sounding, between 10:00 p.m. and 7:00 a.m., of any bell, chime, siren, whistle or similar device, except:
 - (a) To alert persons to the existence of an emergency, danger or attempted crime; or
 - (b) As provided in section 9:365(5).
- (4) The operation or playing between 10:00 p.m. and 7:00 a.m. of any radio, television, phonograph, drum or musical instrument.
- (5) Construction, repair, remodeling, demolition, drilling or excavation work at any time on Sunday and between 8:00 p.m. and 7:00 a.m. Monday - Saturday, except as permitted by section 9:365(2).
- (6) The operation or use between 10:00 p.m. and 7:00 a.m. of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds.

(7) The creation of a loud, unnecessary **noise** in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates, or other containers.

(8) The use of any drums, loud-speakers, musical devices or other instruments or devices for the purpose of attracting attention by the creation of **noise** to any performance, show or sale or display of merchandise.

The prohibitions of this section apply even if the sound level produced by a prohibited activity does not exceed the applicable level specified in section 9:364.

9:364. Maximum permissible sound levels.

No person shall conduct or permit any activity that produces a dB(A) 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.

USE OF PROPERTY RECEIVING THE SOUND	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	61	55
Commercial	71	61
(All limits expressed in dB(A)).		

9:365. Limited exemptions.

The following limited activities are exempted from the sound level limitations of section 9:364:

(1) Operation, between 7:00 a.m. and 10:00 p.m., of power equipment that does not produce a sound level exceeding 90 dB(A) beyond the property line of the property on which the equipment is operated.

(2) Construction, repair, remodeling, demolition, drilling, wood cutting or excavation work conducted between 7:00 a.m. and 8:00 p.m. Mondays through Saturdays, except legal holidays, which does not produce a sound level exceeding 105 dB(A) beyond the property line of the property on which the work is being conducted. Also, a person may engage in such activities at his residence between 9:00 a.m. and 6:00 p.m. on Sundays.

(3) Operation or use, for any noncommercial purpose, of any loud-speaker, sound amplifier, public address system, or similar device to amplify spoken words between 7:00 a.m. and 10:00 p.m. This exemption applies to the use or operation of mechanical loud-speakers on or from motor vehicles only if a specific permit for the activity has been granted by the city council. The city council shall cause such a permit to issue when it finds the following:

- (a) The applicant has a noncommercial message that cannot be effectively communicated to the public by the other means of communication available.
- (b) The applicant will limit the use of the loud-speakers to times, locations and sound levels which will not unreasonably disturb the public peace.
- (c) The applicant will not use the equipment in residential areas between 10:00 p.m. and 7:00 a.m.

(4) The operation between 7:00 a.m. and 10:00 p.m. of any device for killing, trapping, attracting, or repelling insects or other pests which does not produce a sound level exceeding 83 dB(A) beyond the property line of the property on which the device is operated.

(5) The use for noncommercial purposes of one or more bells or chimes which does not exceed 90 seconds in duration in an hour.

(6) Carillon playing between 7:00 a.m. and 10:00 p.m.

(7) Playing or practicing with a single musical instrument between 7:00 a.m. and 10:00 p.m. without electric amplification for not more than one hour a day that does not produce a sound level in excess of 67 dB(A) beyond the property line of the property on which the instrument is used.

9:366. General exemptions.

(1) The following activities are exempted from the sound level limitations of section 9:364:

(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) Activities or operations of governmental units or agencies.

(d) Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the city.

(e) Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, as defined in section 5:8(27) and (31) of Chapter 55, and public or private colleges or universities.

(2) The following activities are exempted from the requirements of section 9:363:

(a) Regular activities or operations of governmental units or agencies provided the activity is approved in advance and in writing by both the department head or agency director and the Administrator.

(b) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.

(c) Devices or activity creating sound made to alert persons to the existence of an emergency, danger, or attempted crime.

(d) Equipment and activities creating sound from the collection of solid waste, as defined in Chapter 26, within the Downtown District, as defined in Chapter 7, after 6:00 a.m. and before 10:00 p.m.

(Ord. No. 46-99, § 1, 11-15-99)

9:367. Temporary exemptions.

(1) The city administrator is authorized to grant a temporary exemption from the maximum permissible sound levels established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.

(2) The following factors shall be considered by the administrator in determining whether to grant a temporary exemption:

- (a) 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 and any other adverse effects of the granting of the variance.
- (b) 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 article.
- (c) The level of the sound to be generated by the event or activity.
- (d) 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.
- (e) The density of population of the area in which the event or activity is to take place.
- (f) The time of day or night which the activity or event will take place.
- (g) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.

(3) A temporary exemption must be in writing and signed by the administrator or his appointed representative 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) for which it is effective and the dB(A) level(s) authorized.

(4) A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days.

9:368. Variances.

Persons wishing to continue activities which commenced prior to this article and which create **noise** in excess of the permitted levels may seek a variance from the building board of appeals. Such a variance may be granted if the board finds that strict application of this chapter would cause a hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

9:369. Liability of owner, lessee, or occupant.

If the person responsible for an activity which violates this article cannot 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 under this section shall be guilty of a civil infraction punishable by a fine of \$50.00 to \$500.00 plus costs. For a second offense within a 2-year period, the fine shall be \$100.00 to \$500.00 plus costs. For third and subsequent offenses within a 2-year period, the fine shall be \$200.00 to \$500.00 plus costs.

(Ord. No. 56-88, § 1, 12-5-88; Ord. No. 61-91, § 1, 10-21-91)

9:370. Penalty.

Except as provided in section 9:369, an activity which violates this article shall be punishable by a fine of \$50.00 to \$500.00 plus costs. For a second offense within a 2-year period, the fine shall be \$100.00 to \$500.00 plus costs. For third and subsequent offenses within a 2-year period, the penalty shall be \$200.00 to \$500.00 plus costs and/or, in the discretion of the court, up to 240 hours community service.

(Ord. No. 56-88, § 2, 12-5-88; Ord. No. 61-91, § 2, 10-21-91)
9:371--9:374. Reserved.