

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-755

NOISE ORDINANCE AMENDMENT

An Ordinance to amend the Township disturbing the peace and noise regulations Ordinance.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

The West Bloomfield Charter Township Code is hereby amended by amending Section 15-141 in Article V, Offenses Against Public Peace, of Chapter 15, Offenses, to read as follows:

Sec. 15-141. Disturbing the peace and noise regulations.

(a) It shall be unlawful for any person to disturb the public peace and quiet by loud, boisterous or vulgar conduct. For purposes of this section, public peace and quiet means the generally prevailing level of sound that is customary on public or private property from background noise and regular human activities, taking into account the time of day, the area, locations and uses of properties where conduct occurs and is heard, and the reasonable expectations and rights of one or more members of the public in that area.

(b) It shall be unlawful for any person to make or excite any disturbance or contention in any public place.

(c) Except as provided in subsection (d), sounds emanating from a parcel of land, or from an individual unit in a multi-unit building, including those of an intermittent nature, shall be controlled so as not to exceed the following limits, as measured at the property line of the parcel or the exterior of the building unit from which the sound is emanating:

(1) Between 7:00 a.m. and 10:00 p.m. sound shall not exceed 85 decibels (dbA).

(2) Between 10:00 p.m. and 7:00 a.m. sound shall not exceed 75 decibels (dbA).

(d) Provided they comply with any restrictions, limitations and conditions stated, the uses and activities in this subsection may exceed the decibel limits in subsection (c).

(1) *Construction noises.* The creation of noise which is audible beyond the property line of the property from which it is emanating, resulting from the erection (including excavation), demolition, alteration or repair of any building, and the excavation of streets and highways between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 10:00 a.m. and 7:00 p.m. on Saturdays and Sundays. A deviation from such limitation may be authorized if a permit is obtained in advance from the township supervisor, or the

supervisor's designee, upon a showing that the noise will not result in an unreasonable disturbance of any occupants of residential property.

- (2) *Removal of garbage and/or solid waste.* The creation of noise in connection with the lawful removal of garbage and/or solid waste by a township licensed hauler from any premises between 7:00 a.m. and 7:00 p.m.
- (3) *Unloading of materials.* The creation of noise in connection with the delivery, loading and/or unloading of materials, goods or other merchandise by the use of motorized equipment, metal-tired hand trucks, racks, conveyors, or other types of equipment between 7:00 a.m. and 8:00 p.m., Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday and Sunday.
- (4) *Lawn, tree and landscape services.* The mowing of lawn(s), blowing of refuse or leaves, removal or trimming of trees, and/or performing of other outdoor landscaping services by a lawn service using any gas or electric powered machine between 8:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday, Sunday or government holidays. For purposes of this section, "lawn service" shall mean an individual, or company with one (1) or more employees, providing grounds keeping services for remuneration. Using more than two (2) gas powered machines at the same time on a single property is prohibited.
- (5) *Home occupant lawn, tree and landscape care.* The mowing of lawn(s), blowing of refuse or leaves, removal or trimming of trees, and/or performing of other outdoor landscaping by an occupant of residential property using any gas or electric powered machine between 8:00 a.m. and 9:00 p.m. Monday through Friday and between 9:00 a.m. and 9:00 p.m. on Saturday, Sunday and government holidays.
- (6) *Emergency work.* Performance of emergency work.
- (7) *Snow removal.* The performance of ice or snow removal.
- (8) *Public safety.* Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns.
- (9) *Generators.* The operation of emergency power generators during times of a power outage and for no more than 15 minutes each week for maintenance exercise cycles between the hours of 10:00 a.m. and 7:00 p.m.
- (10) *Appliances and equipment.* The operation of customary, lawfully installed, appliances and equipment such as furnaces, hot water heaters, refrigerators, exhaust fans, air conditioning units, pool pumps, and other such devices.
- (11) *School property.* All activities on school property.

- (12) *Licensed activities.* Activities for which the township board has approved a carnival/amusement or outdoor gathering license under chapter 6 of this code, conditioned on the activity being conducted in compliance with the conditions of that license, specifically including any limitations or restrictions on hours and other aspects of the license activity related to the sounds emanated by it.
- (13) *Special events and exceptions.* Activities and events for which the township board has approved a waiver of the decibel limits in subsection (c), or has approved a waiver of a restriction, limitation or condition for an activity or use under subsection (d).
- (14) *Government activities.* Activities of government entities, including the parks and recreation commission, the library, and the schools.

Section 2 of Ordinance

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 3 of Ordinance

Violation of Section 15-141 of the West Bloomfield Charter Township Code, as amended by this Ordinance, is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500.00 as provided in Section 1-10 of the West Bloomfield Charter Township.

Section 4 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of West Bloomfield at a meeting duly called and held on September 12, 2011.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

9/12/11
Date

By: Catherine Shaughnessy
Catherine Shaughnessy, Clerk

Introduced: August 15, 2011
Adopted: September 12, 2011
Published: September 21, 2011