

**ST. IGNACE TOWNSHIP  
ORDINANCE NO. 32  
NOISE LIMITATION**

AN ORDINANCE TO PROVIDE FOR LIMITATION UPON NOISE EMISSIONS AND NOISE CREATION.

THE TOWNSHIP OF ST. IGNACE ORDAINS:

**SECTION I: Definitions**

As used in this section, the following terms shall have the described meanings:

(A) The term "Ambient noise" shall mean the all-encompassing noise associated with a given environment being a composite of sounds from all sources.

(B) The term "decibel" shall mean a unit or level of sound energy which denotes the ratio between two sound qualities, which are proportional to power as measured by a sound level meter.

(C) The term "person" shall mean any individual, firm co-partnership or corporation. In the case of corporations, the chief executive officer shall be the responsible party under the terms of this ordinance.

**SECTION II: Prohibitions:**

(A) It shall be unlawful for any person or the owner or occupant of any premises within the Township of St. Ignace, between the hours of 11:00 p.m. and 7:00 a.m., to cause or permit any noise to be emitted from any equipment, including by ways of example only, radios, phonographs, magnetic tape players, musical instruments, television sets, sound amplifiers, electric motors, gasoline engines or other mechanical equipment owned by such person or under the control of such person or located upon the premises owned or under the control of such person, which noise exceeds a sound level of 72 decibels in combination with and including ambient noise measured on a sound meter having characteristics defined by the American National Standards Institute Subsection 1.4-1971 set on the fast setting of the "A" scale.

(B) It shall be unlawful for any person to make, or cause to be made any noise or sound, whether measured or not, which creates a disturbance of the public peace, or which is of such a character as to be of actual physical discomfort to persons of ordinary sensibilities, taking into consideration the following factors:

- i. The volume of the sound;
- ii. The intensity and frequency of the sound;
- iii. Whether the nature of the sound is usual or unusual;
- iv. Whether the origin of the sound is natural or unnatural;
- v. The volume and intensity of the ambient sound, if any;
- vi. The proximity of the sound to residential sleeping facilities;
- vii. The nature and zoning of the area within which the sound emanates or is received;
- viii. The density and habitation of the area within which the sound emanates or is received;
- ix. The time of day or night the sound occurs;
- x. The duration of the sound;
- xi. Whether the sound is recurrent, intermittent, or constant;
- xii. Whether the sound is produced by a non-commercial or commercial type of activity; and
- xiii. Other appurtenant and applicable factors.

(C) It shall be unlawful for a person to use, operate, or permit to be played, any radio receiving set, musical instrument, television set, magnetic tape player, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, peaceful comfort and repose of any person. The operation of any such set, instrument, phonograph or device within the public right-of-way within the Township of St. Ignace, and/or in such a manner as to be in violation of Section II (A) shall be prima facie evidence of a violation of this Section.

### **SECTION III: Measurement**

Noise levels shall be measured at a distance of a minimum of twenty (20) feet from the noise source located within any public right-of-way and if the noise source is located on private property or public property other than a public right-of-way, then the measurement shall be made at a distance of not less than fifteen (15) feet from the property line of the property on which the noise source is located.

### **SECTION IV: Exceptions**

The prohibition of this ordinance shall not apply to:

(A) Any authorized, emergency vehicle or to those activities of a temporary duration permitted by law, and for which a license or permit therefor has been granted by the Township of St. Ignace including but not limited to parades and fireworks displays.

(B) Snowmobiles which are defined and governed by Act 74, P.A. 1968, State of Michigan, as amended, as if said section and act were incorporated herein and made a part hereof.

### **SECTION V: Existing Ordinances**

Any ordinances concerning the emission of sound, or the regulation of sound equipment, not specifically in conflict with the terms of this ordinance are hereby saved and retained.

### **SECTION VI: Temporary Permits**

Applications for a permit for relief from the noise level designated in this ordinance on the basis of undue hardship may be made to the Township Board or their designated representative. Any permit granted by the Township Board shall contain all conditions upon which the permit is granted, and shall specify the time for which such permit is granted. The Township Board or their designated representative may grant such a permit if he finds.

(A) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner which will comply with the noise emission levels permitted by this ordinance; and

(B) No other reasonable alternative is available to the applicant.

The Township Board or their designated representatives shall prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or surrounding neighborhood.

Any temporary permit issued by the Township Board shall be issued without any fee being charged therefor.

### **SECTION VII: Violations**

Any person who shall violate the terms of this ordinance shall, upon conviction thereof, be subject to the following penalties:

(A) For the first conviction, a fine not to exceed One Hundred Dollars (\$100.00):

(B) For the second conviction, a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment at the discretion of the Court:

**SECTION VIII: Effective Date**

This Ordinance shall become effective ten (10) days after the date of enactment and after publication thereof.