

VILLAGE OF AKRON
NOISE ORDINANCE
ORDINANCE NO. 1350

**AN ORDINANCE TO REGULATE THE USE OF CERTAIN NOISES WITHIN THE
VILLAGE OF AKRON.**

**BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF AKRON,
MICHIGAN THAT:**

SECTION 1. NOISE DEFINITIONS:

1. **Decibel:** means a unit of sound level on a logarithmic scale measure relative to the threshold of audible sound by the human ear, in compliance with American Nation Standards Institute Standard 1.1-1960, as amended.
2. **Device:** means any mechanism which is intended to or which actually produces sound when operated or handled.
3. **Sound Level Meter:** means any instrument including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institutes specifications for sound level meters S1.4-1971, as amended.
4. **Unreasonable Noise:** means any excessive or unusually loud sounds that disturbs the peace, comfort or repose of a reasonable person of normal sensitivities or injures or endangers the health or safety of a reasonable person of normal sensitivities of which causes injury to plant or animal life, or damage to property or business.

SECTION 2. FINDINGS AND PURPOSE:

The making and creating of excessive, unnecessary or unusually loud noises within the limits of the Village of Akron is a condition which has existed for some time and the extent and volume of such noises are increasing.

1. The making, creation or maintaining of such loud unnecessary, unnatural, or unusual noise which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village of Akron;
2. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the Village of Akron and its inhabitants.

SECTION 3. EXCEPTIONS:

Exceptions: none of these or prohibitions of this article shall apply to or be enforced against the following:

1. Operation of residential power devices. This article shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower or similar device used outdoors in residential areas between the hours of 7 a.m. and 9 p.m.
2. Any police or fire vehicle or any ambulance, while engaged upon an emergency business.
3. Excavations or repairs, street, highways or utilities by or on behalf of the Village of Akron, county road commission or State Department of Transportation during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.
4. The use of any such device listed in this article by a governmental agency in the furtherance of its authorized function.
5. The use of any device listed in this article to warn of imminent danger.
6. The reasonable use of such device listed in this article by a church or other nonprofit religious organization upon its premises for dissemination of music or bell tones as a call to, recessional from or integral part of, religious service.
7. The use of chime to indicate the time at not more frequent intervals than 15 minutes.

8. The disseminations of sound during a parade, outdoor band concert, athletic event, school event, theatrical performance, or noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way provided the volume of sound is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons more than 50 feet from the point of amplification.

SECTION 4. EXCESSIVE NOISE:

1. **Prohibited:** It shall be unlawful, and be deemed a public nuisance, for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood, business, lawful meeting or which causes discomfort or annoyance to any reasonable person or normal sensitivity in the area.
2. **Standard:** The standard which may be considered in the determine whether a violation of the provisions of this section exists may include, but not be limited to, the following:
 - a. The level of noise
 - b. Whether the nature of the noise is usual or unusual
 - c. Whether the origin of the noise is natural or unnatural
 - d. The level and intensity of the background noise, if any
 - e. The proximity of the noise to residential sleeping facilities
 - f. The nature and zoning of the area within which the noise emanates
 - g. The density of the inhabitation of the area within which the noise emanates
 - h. The time of the day and night the noise occurs
 - i. The duration of the noise
 - j. Whether the noise is recurrent, intermittent or constant
 - k. Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the decibel established for the districts and times listed as follows shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet, and repose of the persons in that area:

| | | |
|--------------------------|------------------------|-------------------------|
| Residential | 55 DBA | 50 DBA |
| Business | 65 DBA | 60 DBA |
| Office | 55 DBA | 55 DBA |
| Manufacturing/Industrial | 70 DBA | 65 DBA |
| Land Use Category | Day-Time Standard | Night-Time Standard |
| | 7:00 A.M. to 9:00 P.M. | 9:00 P.M. to 7:00 A. M. |

SECTION 5. NOISES PROHIBITED:

1. The following acts, among others, are declared to be loud, disturbing, unnecessary and excessive noises in violation of this article in consideration of the excessive standards enumerated in subsection (4) 2k., but such enumeration shall not be deemed to be exclusive namely;
 - a. **Sound Amplifying Equipment:**
 - i. **Mobile Sound Amplifying Equipment:** means any sound amplifying equipment capable of being operated while being transported from place to place and shall include without limitation any sound amplifying equipment upon or in any vehicle, including motorcycle or moped.
 - ii. **Sound Amplifying Equipment:** means any machine or device for the amplifying of human noise, music or any other sound.
 - iii. **Street:** means a public right-of-way, private highway or other place upon open general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles; however, it shall not include that portion of a public street temporarily closed to vehicular traffic by public authority to accommodate or permit a public assembly.

2. **Horns, Signaling Devices, etc.:** The signaling of any horn or signaling devices on any automobile, motorcycles, or other vehicles on any street or public place of the village except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device when traffic is for any reason held up.

3. **Radios, Phonographs, etc.:** The using, operation or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the

peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

4. **Loud Speakers, Amplifiers for Advertising:** The using, operating or permitting to be placed, used, or operated of any radio receiving set, musical instruments, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, between the hours of nine o'clock (9:00) P.M. and eight o'clock (8:00) A.M.
5. **Yelling, Shouting, etc.:** Yelling, shouting, hooting, whistling, or singing on public streets, particularly between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. or place so as to disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
6. **Animals, Birds, etc.:** The keeping of any animals or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
7. **Exhausts:** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
8. **Defect in Vehicle or Load:** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, rattling or other noise.
9. **Tire Screeching:** Intentionally or by the immoderate operation of a motor vehicle to cause the tires to screech.
10. **Pile Drivers, Hammers, etc.:** The operation between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of any pile driller, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except for emergencies, as determined by the council.

11. **Blowers:** The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
12. **Hawkers, Peddlers:** The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
13. **Drums:** The use of any drums or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
14. **Metal Rails, Pillars and Columns Transportation thereof:** The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
15. **Schools, Courts, Churches, Hospitals:** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or functions of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court.

SECTION 6. PENALTIES:

Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred (\$100) dollars or by imprisonment for not more than 90 days, or both said fine and said imprisonment.

SECTION 7. VALIDITY:

1. All Ordinances or part of this Ordinance in conflict herewith are hereby repealed.
2. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 8. ORDINANCE IN FORCE:

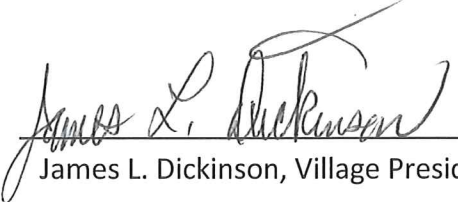
This Ordinance shall be in full force and effect from and after its passage and approval and publication by law.

This Ordinance enacted by the Village Council of the Village of Akron at a regular meeting held at the Council Chambers in said Village on 19th day of December, 2017.

Yeas: 7

Nays: 0

Absent: 0


James L. Dickinson, Village President

I, Shari Hadaway, Clerk of the Village of Akron, do hereby certify that the above Ordinance is a true and correct copy of an Ordinance passed by the Village Council of the Village of Akron, Tuscola County, Michigan, at a regular meeting on 19th day of December, 2017.


Shari Hadaway, Village Clerk