

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) *Legal holiday* means the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veterans' Day, Christmas Day.
- (4) *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.
- (5) *Residential* means a legal use of property for temporary or permanent dwelling purposes.

(Ord. No. 12-33, § 1, 12-3-12)

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.

9:363. - Specific prohibitions.

No person shall engage in, assist in, permit, continue or permit the continuance of the following activities if the activity produces clearly audible sound beyond the property line of the property on which it is conducted even if the sound level is equal to or less than the dB(A) specified in section 9:364:

- (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 or a legal holiday and between 8:00 p.m. and 7:00 a.m. Monday—Saturday, except as permitted by section 9:365(2). The persons to whom this subsection applies shall include, but not be limited to, construction managers, foremen, property owners, developers, contractors, and subcontractors who direct, order, require, authorize, or commission another person to perform these activities in a manner that violates this section. If the person is an entity, this subsection shall also apply to the officers, directors, partners, limited liability company members, or other individuals constituting such entity.
- (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.
- (9) A noise nuisance as defined in Chapter 107 (Animals) after 10:00 p.m. and before 7:00 a.m.

(Ord. No. 08-17, § 1, 6-2-08; Ord. No. 12-33, § 2, 12-3-12)

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.

TABLE I

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 1 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 1 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.

ARTICLE II. - VEHICULAR NOISE

9:375. - Applicability.

The provisions of Article II apply only to motor vehicles as defined in the Michigan Vehicle Code, being 1949 P.A. 300, as amended, (MCLA 257.1 et seq.), in operation on a public right-of-way. The definitions provided in the Michigan Vehicle Code shall apply to this article.

9:376. - Horns and other warning devices.

A person shall not operate a motor vehicle in a manner or with equipment that does not comply with the following requirements:

- (1) A motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use the horn.
- (2) A vehicle shall not be equipped with nor shall a person use upon a vehicle a siren, whistle, or bell, except as otherwise permitted in this section.
- (3) A commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
- (4) An authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In those cases the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.
- (5) A motor vehicle licensed as a historic vehicle may be equipped with a siren, whistle, or bell which may be used when participating in a parade, exhibition, tour, or similar event.

9:377. - Mufflers and exhaust systems.

- (1) A person shall not operate a motor vehicle unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway or street.
- (2) A person shall not operate a motor vehicle unless the engine and power mechanism of the motor vehicle is so equipped and adjusted as to prevent the escape of excessive fumes or smoke.
- (3) A person shall not operate a motor vehicle unless the motor vehicle is equipped with a properly operating exhaust system which shall include a tailpipe and resonator on a vehicle where the original design included a tailpipe and resonator.

9:378. - Exhaust systems and backfiring devices.

- (1) A person shall not operate a motor vehicle unless the vehicle is equipped with an exhaust system in good working order to prevent excessive or unusual noise and is equipped to prevent noise in excess of the limits established in section 9:379 of this article.
- (2) No person shall introduce any gasoline, foreign material or obstruction into the muffler or exhaust pipe which causes or is capable of causing exhaust gases to ignite, burn or flash in any manner or form.
- (3) For purposes of sections 9:378 to 9:380 of this article, a motor vehicle does not include special mobile equipment.

9:379. - Vehicle noise limits.

- (1) A person shall not operate a motor vehicle on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(iii) and (c)(iii):
 - (a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.
 - (i) Ninety dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - (ii) Eighty-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - (iii) Eighty-eight dB(A) under stationary run-up test.
 - (b) A motorcycle or a moped:
 - (i) Eighty-six dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - (ii) Eighty-two dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - (iii) Ninety-five dB(A) under stationary run-up test at 75 inches.
 - (c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b).
 - (i) Eighty-two dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - (ii) Seventy-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - (iii) Ninety-five dB(A) under stationary run-up test 20 inches from the end of the tailpipe.
- (2) A dealer shall not sell or offer for sale for use upon a street or highway a new motor vehicle manufactured after April 1, 1978, which produces a maximum noise exceeding the following limits:
 - (a) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more — 83 dB(A).
 - (b) A motorcycle or a moped — 83 dB(A).
 - (c) A motor vehicle not covered in subdivision (a) or (b) — 80 dB(A).
- (3) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device.
- (4) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this article.
- (5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this article, or operate a motor vehicle so altered on a street or highway.
- (6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this article.

9:380. - Test procedures.

Test instrumentation and procedures used for implementation and enforcement of sections 9:378 and 9:379 of this article shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., and the American National Standards Institute, Inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures that have been promulgated by the Department of State Highways and Transportation shall also be followed in the

implementation and enforcement of sections 9:378 and 9:379 of this article. If such rules so provide, sound level measurements may be made at other than the distances specified in section 9:379, provided that the decibel limits applied at the other distances are adjusted accordingly.

9:381. - Penalties.

- (1) A person who violates section 9:379(2), (4) or (6) of this article is guilty of a misdemeanor punishable by a fine of \$100.00.
- (2) A person who violates section 9:378 or section 9:379(1), (3) or (5) of this article is responsible for a civil infraction punishable by a fine of not more than \$100.00 and which shall be processed pursuant to the terms of the Michigan Vehicle Code.
- (3) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this article shall be liable to the person who receives a citation for violation of section 9:379 for the amount of \$100.00, plus reasonable attorney fees and court costs.
- (4) All other violations of this article shall be punishable by a fine of not more than \$100.00 or by imprisonment not to exceed 90 days, or both.

9:382 through 9:389. - Reserved.

ARTICLE III. - GENERAL PROVISIONS

9:390. - Operation of electronically amplified sound system in motor vehicles.

No person operating or in control of a parked or moving motor vehicle (including motorcycles and mopeds) shall operate, or permit the operation of, an electronically amplified sound system in or on the vehicle so as to produce sound that is clearly audible more than 50 feet from the vehicle, except as permitted under sections 9:365(3), 9:366, and 9:367.

(Ord. No. 26-90, § 1, 9-17-90)