

## Flint, MI Code of Ordinances

**ARTICLE II. NOISE CONTROL****§ 31-70 SHORT TITLE.**

This article may be cited as “The Noise Control Ordinance of the City of Flint.”

(Ord. 2741, passed 10-22-1979)

**§ 31-71 DEFINITIONS.**

**COMMERCIAL AREA.** A parcel of land zoned for or legally used for commercial purposes. A parcel of land which is zoned D-2, D-3, D-4, D-5 or D-6 is legally being devoted to use which is a principal permitted use in such zoning districts is presumed to be such an area.

**CONSTRUCTION.** Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.

**CONTINUOUS NOISE.** Any noise whose level varies less than 5 dB(A) during a period of at least five (5) minutes.

**DAYTIME.** Unless otherwise specifically noted, means the hours from 8:00 a.m. to 9:00 p.m.

**dB(A).** Decibels on the A-weighted network of a sound level meter as specified in American National Standards Institute Standard 5-1.4 — 1971.

**DEMOLITION.** Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**EMERGENCY.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**IMPULSIVE NOISE.** A short burst of sound not exceeding ten (10) seconds in duration.

**INDUSTRIAL AREA.** A parcel of land zoned for or used for industrial purposes. A parcel of land which is zoned E, F or G, or is legally being devoted to a use which is a principal permitted use in such zoning districts is presumed to be such an area.

**INTERMITTENT NOISE.** Any noise whose level remains constant which goes on and off during a course of measurement of at least ten (10) seconds, or goes on and off during a period of at least five (5) minutes, but which exceeds ten (10) seconds in duration each time it is on.

**NIGHTTIME.** Unless otherwise specifically noticed, means the hours between 9:00 p.m. and 8:00 a.m.

**NOISE.** Any sound occurring on either a perpetual, continuous, intermittent or impulsive basis. It also means the intensity, frequency, duration and character of sound, including sound and vibration and subaudible frequencies.

**NOISE DISTURBANCE.** Any sound which:

- (1) Endangers or injures the safety or health of humans or animals; or

- (2) Annoys or disturbs a reasonable person of normal sensibilities; or
- (3) Endangers or injures personal or real property.

**PERPETUAL NOISE.** Any noise whose level varies less than 3 dB(A) during a period of at least thirty (30) minutes.

**PERSON.** Any individual, association, partnership or corporation, and includes the City and other governmental entities.

**REAL PROPERTY BOUNDARY.** Any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

**RECEIVING LAND USE.** The use (commercial, industrial or residential) of the land on or at which a noise is received.

**RESIDENTIAL AREA.** A parcel of land zoned for or legally used for residential purposes. A parcel of land which is zoned A-1, A-2, B, C-1, C-2 and D-1 or is legally being devoted to a use which is a principal permitted use in such zoning districts is presumed to be such an area.

**WEEKDAY.** Any day Monday through Friday which is not a legal holiday.

(Ord. 2741, passed 10-22-1979)

## **§ 31-72 NOISE DISTURBANCES; PROHIBITED ACTS.**

(a) It shall be unlawful for any person to unreasonably make, continue, or cause to be made or continued any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

(b) The following acts, and the causing thereof are declared to be in violation of this section.

(1) *Radios, television sets, musical instruments and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

- a. In such a manner as to create a noise disturbance across a real property boundary;
- b. In such a manner as to create a noise disturbance at fifty (50) feet (15 meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters;
- c. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

(2) *Loudspeakers/public address systems.*

- a. Using or operating for noncommercial purposes any loudspeaker, public address system or similar device during the nighttime, so that the sound therefrom creates a noise disturbance across a residential real or property boundary.
- b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device so that:
  - 1. The sound therefrom creates a noise disturbance across a real property boundary; or
  - 2. During a nighttime or on a public right-of-way or public space.

c. Using or operating for any noncommercial purpose any loudspeaker attached to a motor vehicle outside of the cab of the vehicle and which amplifies radio broadcast or recorded sound.

(3) *Street sales.* Offering for sale or selling anything by shouting, or outcry within any residential or commercial area of the City except with a permit or license issued pursuant to any other provision of the Flint City Code.

(4) *Animals and birds.* Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary.

(5) *Loading or unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects during the nighttime in such a manner as to cause a noise disturbance across a residential real property boundary.

(6) *Vehicle or motorboat repairs and testing.* Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

(7) *Places of public entertainment.* Operating, playing, or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment at a sound level greater than 100 dB(A) as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating: "Warning: Sound Levels Within May Cause Permanent Hearing Impairment."

(8) *Explosives, firearms, and similar devices.* The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or in a public space or right-of-way.

(9) *Motorboats.* Operating or permitting the operation of any motorboat in any lake, river, stream, or other waterway in such a manner as to exceed a sound level of 85 dB(A) at fifty (50) feet (15 meters) or the nearest shoreline, whichever distance is less.

(10) *Domestic power tools.* Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors in residential areas during the nighttime so as to cause a noise disturbance across a residential real property boundary, except in an emergency.

(Ord. 2741, passed 10-22-1979; Ord. 3179, passed 7-22-1991)

**§ 31-73 IMPULSIVE NOISE LEVELS AND PROHIBITIONS.**

(a) *Prohibition.* Except as otherwise provided in this article, it shall be unlawful for any person to operate, cause or permit to be operated any source of impulsive noise within the City which exceeds the maximum permissible sound levels established herein, when measured at or within the real property boundary line of the receiving land use.

(b) *Maximum permissible sound levels.* Maximum permissible sound levels for receiving land uses are hereby established as follows:

<i>Land Use</i>	<i>Daytime</i>	<i>Nighttime</i>
Residential area	80 dB(A)	70 dB(A)
Commercial area	90 dB(A)	80 dB(A)

Industrial area	100 dB(A)	90 dB(A)
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(Ord. 2741, passed 10-22-1979)

### § 31-74 INTERMITTENT NOISE LEVELS AND PROHIBITIONS.

(a) *Prohibition.* Except as otherwise provided in this article, it shall be unlawful for any person to operate, cause or permit to be operated any source of intermittent noise within the City which exceeds the maximum permissible sound levels established herein, when measured at or within the real property boundary line of the receiving land use.

(b) *Maximum permissible sound levels.* Maximum permissible sound levels for receiving land uses are hereby established as follows:

<i>Land Use</i>	<i>Daytime</i>	<i>Nighttime</i>
Residential area	70 dB(A)	60 dB(A)
Commercial area	75 dB(A)	65 dB(A)
Industrial area	80 dB(A)	55 dB(A)

(Ord. 2741, passed 10-22-1979)

### § 31-75 CONTINUOUS NOISE LEVELS AND PROHIBITIONS.

(a) *Prohibition.* Except as otherwise provided in this article, it shall be unlawful for any person to operate, cause or permit to be operated any source of continuous noise within the City which exceeds the maximum permissible sound levels established herein, when measured at or within the real property line of the receiving land use.

(b) *Maximum permissible sound levels.* Maximum permissible sound levels for receiving land uses are hereby established as follows:

<i>Land Use</i>	<i>Daytime</i>	<i>Nighttime</i>
Residential area	60 dB(A)	50 dB(A)
Commercial area	65 dB(A)	60 dB(A)
Industrial area	70 dB(A)	65 dB(A)

(Ord. 2741, passed 10-22-1979)

### § 31-76 PERPETUAL NOISE LEVELS AND PROHIBITIONS.

(a) *Prohibition.* Except as otherwise provided in this article, it shall be unlawful for any person to operate, cause or permit to be operated any source of perpetual noise within the City which exceeds the maximum permissible sound levels established herein when measured at or within the real property

boundary line of the receiving land use.

(b) *Maximum permissible sound levels.* Maximum permissible sound levels for receiving land uses are hereby established as follows:

<i>Land Use</i>	<i>Daytime</i>	<i>Nighttime</i>
Residential area	50 dB(A)	45 dB(A)
Commercial area	55 dB(A)	50 dB(A)
Industrial area	60 dB(A)	55 dB(A)

(Ord. 2741, passed 10-22-1979)

### **§ 31-77 EXEMPTIONS.**

The provisions of this article shall not apply to the following:

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (b) The emission of sound in the performance of emergency work.
- (c) Warning devices necessary for public safety such as police, fire and ambulance sirens and horns.
- (d) Motor vehicles and equipment for which noise levels are regulated by Act 73 of the Public Acts of 1978, as amended, and/or the City of Flint Motor Vehicle or Traffic Code.
- (e) Aircraft and trains.
- (f) The erection (including excavating), demolition, alteration or repair of any building:
  - (1) Between the hours of 8:00 a.m. and 8:00 p.m. on weekdays; or
  - (2) At any other time if a permit for same has been secured from the Department of Building and Safety Inspection. Such permit may be issued if the Department of Building and Safety Inspection finds the following facts to exist:
    - a. Issuance of the permit is in the interest of public health or safety; or
    - b. The public health and safety will not be impaired; or
    - c. The permit is necessary to avoid substantial loss or inconvenience to an interested party.
- (g) The operation of domestic tools such as lawn mowers, snowblowers, edgers and the like, when such tools are operated in a manner and frequency that is normal and customary in the community.

(Ord. 2741, passed 10-22-1979)

#### ***Statutory reference:***

*Noise limitations; prohibitions, see MCLA 257.707c*

### **§ 31-78 PENALTY AND LAW ENFORCEMENT.**

- (a) A person who shall violate any provision of this article shall, upon conviction thereof, be subject to a

fine of not more than \$1,500.00 or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.

(b) A person served with an appearance ticket for a violation of this article may waive his or her rights to an arraignment on such charge and voluntarily enter a plea of guilty thereto and pay a fine of twenty-five dollars (\$25.00) at the office of the District Court Clerk, but only if said person has never before been convicted of any violation of this article.

(c) A citizen will not be required to sign a complaint for a violation of this ordinance if such complaint can be validly signed by the enforcing officer.

(Ord. 2741, passed 10-22-1979)

### **§ 31-79 SEVERABILITY.**

If any provision of this article is held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, the remaining provisions of this ordinance shall not be invalidated.

(Ord. 2741, passed 10-22-1979)