

# TOWNSHIP OF LAPEER NOISE CONTROL ORDINANCE

Ordinance No. 31.2

An Ordinance to regulate excessive noise which would create a nuisance or disturb the public peace within the Township and to provide penalties for the violation thereof.

## THE TOWNSHIP OF LAPEER ORDAINS:

### Section 1. GENERAL NOISE PROHIBITION

No person shall at any time cause a noise to be created, which by its loud or continuous nature is a nuisance to persons occupying nearby properties.

### Section 2. MOTOR VEHICLES

- A. No motor vehicle which creates excessive noise shall be operated upon the public roads or other public property located within the Township. For purposes of this section, the term "excessive noise" shall be deemed to mean noise louder than that which would be created if the motor vehicle was equipped with a standard muffler system in good working order.
- B. Except in an emergency situation, it shall be unlawful for the operator of any motor vehicle to use an exhaust powered brake or exhaust powered braking system, commonly referred to as a jake brake, within the Township.
- C. The term "jake brake" is defined as a compression release engine brake, which is used to slow down a large vehicle, and when it is activated, it opens exhaust valves in the cylinders, releasing the compressed air trapped in the cylinders.

### Section 3. OFF-ROAD VEHICLES

- A. The term "off-road vehicle" shall include any trail bike, snowmobile, all-terrain vehicle, or other vehicle, which is not licensed for regular use upon the public roads as a motor vehicle.
- B. No off-road vehicle shall be operated within the Township unless it is equipped with a muffler, which effectively prevents loud noises therefrom. Also the vehicle is to be equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation. Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter which meets

the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A) or 94 Db (A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the environmental protection agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this act, manufactured or assembled after December 31, 1982 and used, sold, or offered for sale in this state shall conform to the noise emission levels established by the environmental protection agency under the noise control act of 1972, Public Law 92-574, 86 Stat. 1234, except in an officially authorized special event.

- C. No off-road vehicle shall be operated within 500 feet of a residence unless such residence is occupied by the operator of the off-road vehicle.
- D. No off-road vehicle shall be operated in such a manner as to cause noise audible beyond the boundaries of the property for more than (1) hour per day.
- E. No person under 18 years of age shall operate an off-road vehicle within the Township unless the person is operating the vehicle on the property on which the person's residence is located or unless the person is accompanied by an adult.

#### Section 4. NIGHT DISTURBANCES

No excessive noise shall be made on any private property within the Township of Lapeer between the hours of 8:00 p.m. and 8:00 a.m. This section shall include noises created by phonographs, radios, stereo equipment, musical instruments, loud parties, and other causes. For purposes of this section, the term "excessive noise" shall be deemed to mean any noise which is audible beyond the property lines of the property on which the noise originates and which is audible beyond such property lines at a level louder than the noise caused by ordinary conversation.

#### Section 5. DOGS

No person shall permit any dog, which is harbored on his premises to create a nuisance by loud, frequent or habitual barking, howling, or other noise.

#### Section 6. AGRICULTURE AND BUSINESS EXEMPTION

This ordinance shall not apply to noises caused by farm equipment or business operations, which are carried on in an area properly, zoned for that activity, providing that the activity causing the noise is necessary to the farm or business operation.

#### Section 7. WAIVER

Permission to waive particular provisions of this ordinance may be granted by the Township Board for specific events or social occasions.

Section 8. PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than One Hundred (\$100.00) dollars and not more than Five Hundred (\$500.00) dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Lapeer Township Civil Infraction Ordinance.

Section 9. SEVERABILITY

This ordinance and the various sections and provisions thereof are hereby declared to be severable. If any section or sub-section is adjudged unconstitutional or invalid, the same shall not affect the validity of the remainder of the ordinance.

Section 10. FORMER ORDINANCE REPEALED

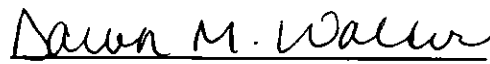
The former Lapeer Township Ordinance 31 as adopted on May 13, 1991 and Ordinance 31.1 as adopted on December 9, 1996 are hereby repealed.

Section 11. EFFECTIVE DATE

This ordinance shall take effect thirty days after the date of publication in a newspaper of general circulation within the Township.

The undersigned Supervisor and Clerk of the Township of Lapeer hereby certify that this Ordinance was adopted by the Lapeer Township Board at a meeting held on the 13th day of June, 2011 and was published in the LAView Newspaper on the 16<sup>th</sup> day of June, 2011. This ordinance shall become effective thirty (30) days after said date of publication.

  
Scott A. Jarvis, Township Supervisor

  
Dawn M. Walker, CMC, Township Clerk