

**LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No. 2024-001R

AN ORDINANCE TO SECURE THE PUBLIC SAFETY, HEALTH, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, BY THE REGULATION OF NOISE IN LODI TOWNSHIP, AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS.

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Title.

This ordinance shall be known and cited as the “Lodi Township Noise Ordinance.”

Section 2: Definitions.

The following terms used in this ordinance are defined as follows:

A. "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10-fold increase or decrease to 1/10th the former intensity.

B. "dB(A)" means the sound pressure level in decibels measured on the “A” scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

C. “Person” means an individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, sole proprietor, or other legal entity acting as a unit.

D. “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.

Section 3: 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 sound or noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of Lodi Township.

Section 4: Specific prohibition.

The following noises and disturbances are declared unreasonably loud, disturbing, or unnecessary noises and are unlawful and prohibited in Lodi Township. The enumerations listed in this section shall not be deemed exclusive.

1. The operation or playing between 10:00 p.m. and 7:00 a.m. of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument, that produces clearly audible sound beyond the property line of the property on which they are conducted.
2. Yelling, shouting, hooting, whistling or singing or making such other loud noise on the public streets or places open to the public between the hours of 10:00 p.m. and 7:00 a.m., so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
3. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
4. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
5. The erection, drilling, excavation, demolition, remodeling, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, that produces clearly audible sound beyond the property line of the property on which they are conducted on Sunday at any time and on Monday through Saturday, between 8:00 p.m. and 7:00 a.m., except as permitted by this ordinance.
6. The creation of a loud, unnecessary or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas or with the opening and closing or destruction of

bales, boxes, crates or other containers.

7. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
8. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
9. No owner or person operating or in control of a parked or moving 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.
10. The operation between 10:00 p.m. and 7:00 a.m. of any machinery, equipment, power tools or mechanical device that produces clearly audible sound beyond the property line of the property on which they are conducted.
11. The operation of any race track, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles or vehicles of any kind or nature in any area of the Township where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 10 p.m. on any evening.
12. The sounding, between 10:00 p.m. and 7:00 a.m., of any bell, chime, siren, whistle or similar device, except to alert persons to the existence of an emergency, danger or attempted crime; or as specifically allowed by this ordinance.

Section 5: Limited exemptions.

The following limited exemptions are exempted from the prohibitions of this ordinance:

1. The operation, between 7:00 a.m and 10:00 p.m., of power equipment which does not produce a sound level exceeding 90 dB(A) beyond the property line of the property on which the equipment is operated.
2. The construction, repair, remodeling, demolition, drilling, wood cutting, or 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 or her residence between 9:00 a.m. and 6:00 p.m., on Sundays.
3. The operation or use, for noncommercial purpose of any loudspeaker, 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 loudspeakers on or from motor vehicles only if a specific approval for the activity has been granted by Lodi Township. The Township Clerk shall cause such an approval to issue when the Clerk 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 loudspeakers 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.
 - d. The sound will not be issued within 100 yards of hospitals, schools or churches.
4. The use for noncommercial purposes of one or more bells or chimes which do not exceed ten minutes in duration in an hour.
 5. The 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 one 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.

Section 6: General exemptions.

None of the prohibitions enumerated in this ordinance shall apply to the following:

1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Lodi Township, or the County of Washtenaw, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Warning devices emitting sound for warning purposes as authorized by law.
4. Emergency work necessary to restore property to a safe condition following a fire, accidental or natural disaster and to restore public utilities, or to protect persons or property from an imminent danger.
5. Parades, concerts, festivals, fairs or similar activities as approved as a temporary exemption.
6. Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, churches, public or private colleges or universities, as approved as a temporary exemption.
7. Any noise or sound protected by the Michigan Right to Farm Act.
8. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

9. Fireworks as permitted by Michigan law or local ordinance.

Section 7: Temporary exemptions.

1. The Lodi Township Board is authorized to grant a temporary exemption from the prohibitions of the Lodi Township Noise Ordinance 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 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 ordinance.
 - c. The level of the sound to be generated by the event or activity and the adverse effects caused by such sounds such as to the environment or the ecosystem.
 - 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 Township Clerk or designee and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date and times for which it is effective.
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 two consecutive days.

Section 8: Enforcement and Penalty, violation a Municipal Civil Infraction.

1. The Lodi Township Supervisor shall be responsible for enforcing this ordinance. Except for the issuance of citations and municipal ordinance violation notices, the Supervisor may delegate the actual enforcement of the provisions of this ordinance to other township officials and personnel. For the issuance of citations and municipal ordinance violation notices, the Lodi Township Supervisor, the Zoning Inspector, any other official, individual, firm, or entity the Lodi Township Board designates to perform all or part of the duties of the Zoning Inspector, and all Washtenaw County Sheriff deputies, Michigan State troopers, and any Lodi Township Constable, Police Officer, and Ordinance Enforcement Officer, who have jurisdiction within Lodi Township, are authorized to issue citations and municipal ordinance violation notices as “authorized local officials”

pursuant to MCL 600.8707.

2. Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule.
 - i. 1st offense (no other offenses within the previous two years): One Hundred Dollars (\$100.00).
 - ii. 2nd offense (one other offense within the previous three years): Two Hundred fifty Dollars (\$250.00).
 - iii. 3rd offense or subsequent violations (two other offenses within the previous three years): Five Hundred Dollars (\$500.00)
3. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent the Township from using other methods or means available to it under Michigan law pertaining to noise problems or violations.
4. In addition to the fine designated above, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Lodi Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.
5. In addition to the relief stated above, Lodi Township may obtain and have enforced any judgment, writ, or order necessary to enforce the ordinance pursuant to MCL 600.8727(5), 600.8302(1) and 600.8302(4).
6. Lodi Township may obtain and enforce liens as authorized by MCL 600.8731.

Section 9: Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 10: Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 11: Savings Clause.

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 12: Effective Date

This Ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect 30 days after the first publication as required by law following adoption by the Township Board.

Jan Godek, Township Supervisor

Christina Smith, Township Clerk

Clerk's Certification

I, Christina Smith, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-001R of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on Tuesday, June 4, 2024, and the whole thereof now in my custody.

Christina Smith, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 9:00 a.m. until noon Monday through Thursday.

Adopted:

Published:

Effective: