

CASCADE CHARTER TOWNSHIP
ORDINANCE NO. 5
ORDINANCE TO AMEND GENERAL ORDINANCES REGARDING NOISE

Section 1. Amendment to Chapter 264

Section 2 of Chapter 264-2 of the Township's General Ordinances is hereby amended to read as follows:

CHAPTER 264
Noise

§ 264-2 Prohibited noises.

A. General regulation. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unreasonable, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any other person, resident, or property owner within the Township.

B. Specific prohibitions—general. The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted. These regulations apply to commercial properties, activities or uses between the hours of 10:00 p.m. and 7:00 a.m. and residential properties between the hours of 11:00 p.m. and 7:00 a.m.

- (1) The operation of power tools or equipment.
- (2) The sounding 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 § 264-3.
- (3) The operation or playing of any radio, television, phonograph, audio equipment, drum, or musical instrument; also, the creation or activity of music.
- (4) Construction, repair, remodeling, demolition, drilling, or excavation work Monday through Sunday, except as permitted in § 264-3.
- (5) The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds indoors or outside the premises.

(6) The creation of any 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.

(7) The use of any drums, loudspeakers, musical devices or other instruments or devices for the purposes of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.

(8) The collection of solid waste and source-separated materials on any property that has a commercial and/or industrial use that is adjacent to a residential use.

C. Special prohibitions—dogs. It shall be unlawful for any person to own, harbor, or keep any dog which shall cause annoyance or disturbance at any time (24 hours a day) to people in the neighborhood or people on the streets of the neighborhood by loud or frequent or habitual barking, howling or yelping.

D. Special prohibitions—vehicle noise limitations; prohibitions; violations as civil infractions pursuant to §264-5.

(1) Noise limitations. A motor vehicle must not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one 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 DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

(i) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

- (iii) Ninety-five DBA 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 DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.
 - (ii) Seventy-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.
 - (iii) Ninety-five DBA under stationary run-up test 20 inches from the end of the tailpipe.
- (2) Sale of new vehicle. An individual or dealer shall not sell or offer for sale for use upon a street or highway in this state a new motor vehicle that produces a maximum noise exceeding the following limits:
 - (a) Eighty-three DBA for a motor vehicle with a gross vehicle weight rating of 8,500 pounds or more.
 - (b) Eighty-three DBA for a motorcycle or a moped.
 - (c) Eighty DBA for a motor vehicle not covered in subdivision (a) or (b).
- (3) Defective vehicles. A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system that 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) Replacement of muffler or exhaust system. A person, either acting for himself, 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 act or a rule promulgated under this act.
- (5) Modification of exhaust system. 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 act, or operate a motor vehicle so altered on a street or highway.
- (6) Sale of used vehicle. A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway that is not in compliance with this act.
- (7) Violations. A person who violates this section is subject to violations and penalties as outlined in §264-5.

(8) Enforcement. The Township reserves the option to prominently post signs which read “NO JAKE BRAKING WITHIN TOWNSHIP LIMITS” or “TOWNSHIP ORDINANCE: JAKE BRAKING PROHIBITED.” All signs shall be posted and maintained by the Township.

Section 4. Validity.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 6. Effective Date.

This Ordinance shall take effect thirty (30) days after publication of a notice of adoption or as otherwise provided by law