

## **Chapter 417 – Noise Control Ordinance**

### **Section 417.1 - Purpose and Intent**

It is hereby determined and declared that the making, creating, or maintaining of loud, unnecessary, unnatural, or unusual noises which are prolonged or sustained in duration, and which, by reason of the hour of the day or night, place or use, impair and are a detriment to the public health, comfort, convenience, safety, welfare, and enjoyment of the residents of the Township, is hereby declared to be a nuisance. It is hereby determined and declared to be necessary and in the public interest for the prohibitions and provisions as hereinafter set forth to be enacted, all of which are in pursuance and to secure and promote the public health, comfort, convenience, safety, welfare, and enjoyment and for the peace and quiet of the residents of the Township.

### **Section 417.2 – Unnecessary Noise Prohibited; Quiet Time**

- a. No person shall make, create or continue, or cause to be made, created or continued, any loud, unnecessary, unnatural or unusual noise which annoys, disturbs, injures, endangers or impairs the comfort, repose, health, peace, convenience, safety, welfare or enjoyment of the occupants of the neighborhood in which the noise is heard.
- b. The hours between 11:00 p.m. and 7:00 a.m. shall be designated as quiet time during which the Macomb County Sheriff's Office or Lenox Township Code Enforcement shall enforce the provisions of this chapter with enhanced scrutiny. Any loud, unnecessary, unnatural, or unusual noises occurring between the hours of 11:00 p.m. and 7:00 a.m. will constitute a per se violation of this chapter.
- c. The Macomb County Sheriff's Office and Lenox Township Code Enforcement shall employ broad discretion in determining violations under this chapter and in doing so shall consider whether any reasonable person or persons of normal sensitivity would be annoyed, disturbed, injured, endangered or impaired by the noise in question whether due to volume, or duration or both.
- d. The Macomb County Sheriff's Office and Lenox Township Code Enforcement shall consider the following characteristics and conditions when determining whether a given noise constitutes a violation under this chapter:
  1. The level of the noise;
  2. Whether the nature of the noise is usual or unusual;

3. Whether the origin of the noise is natural or unnatural;
4. The level of the ambient noise;
5. The proximity of the noise to sleeping and/or living quarters;
6. The nature of the zoning of the area from which the noise emanates and the nature and zoning of the area in which the noise is heard;
7. The time of day or night the noise occurs;
8. The day of the week on which the noise occurs;
9. The day of the year on which the noise occurs;
10. The duration of the noise; and,
11. Whether the noise is recurrent, intermittent, or constant.

- e. The foregoing list of conditions under clause (d) shall not be considered exhaustive and the Macomb County Sheriff's Office and Lenox Township Code Enforcement shall be required to consider the totality of the circumstances when determining violations of this chapter.

### **Section 417.3 – Exemptions**

- a. The following are exempted from compliance with this chapter:
  1. Sounds generated from any government or emergency vehicle while engaged in necessary public business;
  2. Sounds generated from excavations or repairs of bridges, streets, highways, or other public works projects on behalf of the Township, County, or State, at any time of day when the public welfare and convenience requires such work;
  3. Sounds generated from the reasonable use of amplifiers or loudspeakers in the course of public addresses which are non-commercial in character, and in which amplifiers or loudspeakers are not used in connection with any moving or non-moving vehicle;
  4. Parades and public assemblies for which valid permits have been obtained;
  5. Sounds from any publicly maintained emergency device, early warning system, or civil defense device or system;

6. Any school, church, or Township-sponsored sporting event or assembly conducted during the hours of 7:00 AM and 11:00 PM;
7. Any activity for which a Township permit or license was issued;
8. Sounds from equipment used to maintain landscaping on a periodic basis, including lawnmowers, leaf blowers, edgers, hedge trimmers and similar types of equipment when used between 7:00 AM and 11:00 PM;
9. Sound from equipment for moving or removing snow from residential or commercial property if such equipment is in good working order and is used only as needed;
10. Sound from equipment for agricultural purposes on farmland if such equipment is in good working order and is used only as needed; and,
11. Any operation allowed to operate by the terms of an existing legal consent judgment.

#### **Section 417.4 – Enforcement and Penalties**

- a. The Macomb County Sheriff's Office or designated law enforcement agency and Lenox Township Code Enforcement shall enforce this ordinance.
- b. Violation of this ordinance shall be subject to a fine of not more than five hundred (\$500.00) dollars for each such offense.

#### **Section 417.5 – Severability**

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances shall not be affected.

#### **Section 417.6 – Effective Date**

This ordinance shall take effect thirty (30) days after publication of this ordinance.

Published: September 18<sup>th</sup>, 2024

Effective: October 18<sup>th</sup>, 2024