

CHAPTER 5

ENVIRONMENTAL PROTECTION

5.1 Inoperable, Disabled and Unused Motor Vehicles.

- (1) The accumulation or storage of inoperable, disabled or unused motor vehicles, or parts thereof, except in compliance with the terms of this chapter, or other Township ordinances, is hereby declared to be a public nuisance. The presence of such motor vehicles or parts thereof constitutes an attractive nuisance, invites plundering, constitutes an unsightly condition tending to reduce the value of real property and otherwise contributes to blight and deterioration, all contrary to the public interest and welfare.
- (2) No inoperable or disabled motor vehicle or any part thereof shall be located on any lot or parcel of land for a period in excess of seven consecutive days, unless such motor vehicle or part thereof is kept within a wholly-enclosed building or other wholly-enclosed structure or unless the keeping of such motor vehicle or part thereof is in compliance with the junk yard regulations of the Township of Oakfield Ordinance Code and all other applicable Township ordinances.
- (3) As used in this section, an inoperable motor vehicle means:
 - (a) A motor vehicle subject to registration under the State of Michigan Motor Vehicle Code, but which has not been registered or which does not display current license plates issued for the vehicle.
 - (b) A motor vehicle, whether or not registered under the State of Michigan Motor Vehicle Code, which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power or which is unsafe for operation on the streets and highways of the state because of its noncompliance with the State Motor Vehicle Code.
- (4) As used in this section, disabled motor vehicle means any motor vehicle which is wrecked, inoperable, partially or totally dismantled, junked or abandoned and any part or parts thereof which:
 - (a) Constitute an unsightly condition.
 - (b) Create a fire hazard.
 - (c) Constitute an attractive nuisance.
 - (d) Tend to be a refuge for disease-spreading insects or vermin.
 - (e) Promote or contribute to blight or deterioration.

- (5) Not more than one motor vehicle may be parked or stored out of doors on any lot or parcel of land for more than seven consecutive days without such vehicles displaying current valid license plates, unless the same is otherwise permitted by the terms of this chapter or by the terms of other applicable Township ordinances.

5.2 Trash and Junk. It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any lands in the Township, except in a lawful junk yard or sanitary landfill or unless such materials are placed in watertight storage receptacles designed for the temporary accumulation of trash.

5.3 Swimming Pool Regulations. The following sections shall apply to all private swimming pools. For purposes of this Code, the following definitions shall apply:

- (1) "Private" shall mean a pool not open to the use of the general public or a pool that is not publicly owned.
- (2) "Swimming pool" shall mean an artificially constructed pool or apparatus for the holding of water which is not completely enclosed as part of a dwelling, capable of holding in excess of 50 gallons of water and at a depth of two feet or more of water at any point.

5.4 Erection and Maintenance of Private Swimming Pools. The following requirements shall apply to the erection and maintenance of private swimming pools:

- (1) A pool shall be located only in a rear yard or side yard and only in compliance with the applicable minimum required rear or side yard requirements under the Township Zoning Ordinance.
- (2) No pool shall be located within the area required as a front yard by the zoning regulations of this Code.
- (3) No pool shall be located closer than six feet from any house, garage, or accessory building, except an accessory building to be used in conjunction with the pool itself.
- (4) Installation of electrical wiring for equipment in or adjacent to swimming pools, or to metallic appurtenances within five feet of the pool and to auxiliary equipment such as pumps, filters or similar equipment shall conform to the Michigan Construction Code.
- (5) No wires of any kind shall cross or shall be directly over the water surface of the pool.
- (6) Lighting fixtures near the pool shall be permanent and of solid construction.

5.5 Drainage. Drainage of a swimming pool will comply with the following regulations.

- (1) Any discharge pipe leading from a private swimming pool shall not exceed four inches in diameter.

- (2) No swimming pool shall be emptied in a manner which will cause or permit water to flow upon property owned or held by any other person without the written consent of the owner of said adjacent property.

5.6 Enclosure. A swimming pool shall be protected by an enclosure or fence, as provided in this section:

- (1) **Above-Ground Swimming Pool.** An above-ground swimming pool is a swimming pool that is at least four feet above the ground, measured at the shortest distance between the top of the swimming pool and the ground. The stairs or other entrance to an above-ground swimming pool shall be protected by an enclosure or fence not less than four feet high and of a construction not readily climbed or penetrated by young children
- (2) **In-Ground Swimming Pool.** An in-ground swimming pool is a swimming pool that is not an above-ground swimming pool. An in-ground swimming pool shall be surrounded by an enclosure or fence not less than four feet high and of a construction not readily climbed or penetrated by small children. The enclosure or fence may be located entirely around the pool area itself, or entirely around some larger area on the property that also includes the pool.
- (3) **Gates.** All gates shall be of the self-closing and latching type or such other type permitted under the Michigan Construction Code.

5.7 Definitions. The following terms used in this Ordinance are defined as follows:

- (1) "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 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 $2 \times 10^{-5} \text{N/m}^2$ (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 ten-fold increase or decrease to 1/10th the former intensity.
- (2) "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 Standard Institute, Publications ANSI s1.4-1971.

5.8 Anti Noise Regulations.

- (1) **General Regulation.** No person, firm or corporation or other legal entity shall cause, create, assist in creating, continue or permit the continuance of any unreasonable or unnecessary loud noise or disturbance which endangers the comfort, health, peace, quiet or safety of persons in the Township or their property.

- (2) **Specific Violations.** The following noises and disturbances are hereby declared to be a violation of this Ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this Ordinance not specifically enumerated:
- (a) **Radio, television, musical instruments.** The playing of a radio, phonograph, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 - (b) **Shouting or whistling.** Yelling, shouting, hooting, whistling, singing or the making of other loud noises on the public streets between the hours of 10 p.m. and 7 a.m. or the making of such noises at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 - (c) **Church and hospital zones.** The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
 - (d) **Animals, birds.** The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably upset or 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.
 - (e) **Loud motor vehicles.** The operation of an 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 which unreasonably upsets or disturbs the quiet, comfort or repose of other persons.
 - (f) **Horn and signal devices.** The sounding of any horn or other device on any vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
 - (g) **Engine exhaust.** The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises.
 - (h) **Construction noises.** The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise unreasonably annoying or disturbing to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the

- interest of public health and safety. In such cases of necessity, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.
- (i) **Loading areas.** The creation of aloud or excessive noise unreasonably annoying or 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.
 - (j) **Devices to attract attention.** 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 annoying or disturbing to other persons in the vicinity. Also, the operation of a 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.
 - (k) **Race courses and tracks.** 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 annoying or disturbing 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.
- (3) **Exceptions.** None of the prohibitions hereinbefore enumerated shall apply to the following:
- (a) **Emergency vehicles.** Any police vehicles, ambulances, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - (b) **Highway and utility maintenance and construction.** Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, the Township, the County of Kent, or any public utility, or any agency of the foregoing when the public welfare, safety and convenience necessitates the performance of the work at such time.
 - (c) **Warning devices.** Warning devices emitting sound for warning purposes as authorized by law.
 - (d) **Agricultural operations.** Noise created by agricultural operations which is permitted by the Right to Farm Act, being Public Act No. 93 of 1981, as amended.

- (e) **Township approved activities.** Township sponsored or approved parades, festivals, fairs or events.

5.9 Anti Noise Regulations Based upon dB(A) Criteria. In order to regulate violations occurring under Section 5.8 of this Ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this Ordinance.

- (1) **Decibel measured violations - general.** Noise emanating from private property or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the districts and times herewith listed shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this Ordinance. Violations shall exist when the source or sources of noise are identifiable and the noise levels emanating from the source or sources exceed the following limitations.

Zoning Districts.

R R, MDR, L R and PUD Residential Districts and any area within 500 feet of a hospital, church or school, regardless of zoning district, but excepting agricultural areas at least 500 feet from any dwelling under separate ownership:

Limitations: 7 a.m. - 10 p.m. - 55 dB(A);
10 p.m. - 7 a.m. - 50 dB(A)

Agricultural areas at least 500 feet from any dwelling under separate ownership and commercial districts:

Limitations: 7 a.m. - 10 p.m. - 65 dB(A);
10 p.m. - 7 a.m. - 55 dB(A)

Harmonic or pure tones and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

- (2) **Decibel measured violations - roadways.** All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet from a noise source located within the public right-of-way. If measurement at 50 feet is not feasible, measurement may be made at 25 feet and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided below shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this Ordinance.

Trucks & buses over 10,000 lbs. gross weight
dB(A) maximum limitation - 82 dB(A)

Trucks & buses under 10,000 lbs. gross weight
dB(A) maximum limitation - 74 dB(A)

Passenger cars
dB(A) maximum limitation - 74 dB(A)

Motorcycles, snowmobiles & minibikes
dB(A) maximum limitation - 82 dB(A)

All other self propelled motor vehicles
dB(A) maximum limitation - 74 dB(A)

- (3) **Decibel Measured Violations - method of measurement.** All measurements of dB (A) according to subparagraphs (a) and (b) of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.
- (4) **Exceptions.** The following exceptions shall apply to the regulations under Section 5.9:
- (a) **Construction projects.** Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
 - (b) **Railroad operations.** All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts regardless of the district where they are located.
 - (c) **Repair and maintenance work.** Noise occurring between 7 a.m. and sundown caused by home or building repairs or from maintenance of grounds is excluded, provided such noise does not exceed the limitations specified in Section 5.9(1) by more than 20 dB(A).
 - (d) **Firearms.** Noise emanating from the discharge of firearms is excluded, providing the discharge of the firearms is authorized under Michigan law and all local ordinances.
 - (e) **Nonconforming uses.** Any use of property which exists now or in the future as a legal nonconforming use (as defined in the Township Zoning Ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:

- (i) The noise level emitted by such use at the time it became a legal nonconforming use as a result of the enactment of an amendment of the Township Zoning Ordinance (if this information is available).
- (ii) The limitations contained herein based upon such a use being located in the highest zoning district (either residential or agricultural) where such a use is specifically allowed as a permissible use.

5.10 Violations; Municipal Civil Infractions.

- (1) Any person, firm, corporation, or other entity who violates any provision of Sections 5.7 through 5.9 or who uses or permits the use of any property in violation of Sections 5.7 through 5.9 is responsible for a municipal civil infraction, and is subject to payment of a civil fine or not less than \$50, plus costs and other sanctions, for each violation, as authorized by Township Ordinance Sections 1.10 and 1.11 (as may be amended from time to time) and other applicable laws.
- (2) **Repeat offenses shall be subject to increased civil fines.** For purposes of this section, "repeat offenses" means a second (or subsequent) violation of Sections 5.7 through 5.9 committed by a person within six months of another violation for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:
 - (a) The civil fine for violation that is a first repeat offense shall be not less than \$250, plus costs.
 - (b) The civil fine for a violation that is a second repeat offense or a subsequent repeat offense shall be not less than \$500, plus costs.
- (3) Each day on which a violation of Sections 5.7 through 5.9 continues constitutes a separate offense and shall be subject to civil fines and actions as a separate violation.

5.11 Validity. The several provisions of Sections 5.7 through 5.10 are declared to be separate and if a court of competent jurisdiction shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of an other sections or provisions of Sections 5.7 through 5.10.

5.12 Prohibited Water Discharges. In the absence of a recorded easement or other lawful approval, no person shall discharge water from a sump pump, heat pump, boiler or other building system or artificial device in a manner which will cause or permit water to flow onto adjacent or nearby lands owned or held by any other person.

5.13 Exempted Water Discharges. The following discharges are exempted from the prohibition in Section 5.12:

- (1) Discharges or flows from emergency firefighting activities.

- (2) Discharges for which a specific federal or state permit has been issued.
- (3) Water discharged into an approved public sewer or an approved septic system.

