

**Heather Hanover**  
*Chair*

**James Eshelman**  
*Vice-Chair*

**Commissioners**

**Scott Dzurka**, *Mayor*  
**Eric Hufnagel**, *City Commissioner*  
**Eric Harger**  
**Mark Holden**  
**Brian Mills**  
**Melvin Renfrow**  
*Vacant*



**Chad A. Gamble**  
*City Manager*

**Mindy J. Seavey**  
*City Clerk*

**Kristina Kinde**  
*City Treasurer*

**Michael Homier**  
*City Attorney*

**Christopher Khorey, AICP**  
*Planning Consultant*

## PLANNING COMMISSION

**July 10, 2024**

The St. Johns Planning Commission will hold a regular meeting on July 10, 2024 at 5:30 pm in the County Commission Chambers located at the Clinton County Courthouse, 100 E. State Street, St. Johns, MI. (Please use Cass St. Entrance.)

### AGENDA

1. **Call to Order (5:30 pm)**
2. **Approval of Agenda (5:31 – 5:32 pm)**
3. **Approval of Minutes (June 12, 2024 Meeting) (5:33-5:34 pm)**
4. **Public Hearings: None**
5. **New Business:**
6. **Old Business:**
  - a. **Continued Discussion on Accessory Buildings (5:35-5:50 pm)**
  - b. **Continued Discussion on Amending the Noise Ordinance (5:51 – 6:06 pm)**
7. **Committee Site Plan Approvals: None**
8. **Public comment for non-agenda items (6:07 – 6:15 pm)**
9. **Commissioner Comments. (6:16 – 6:25 pm)**
10. **Adjournment**

*Please note that the Planning Commission will take up the following topics at future meetings, depending on available time:*

- *Update of the St. Johns Master Plan*  
*Update of the St. John's Zoning Ordinance – text amendments vs. full re-write*

**Heather Hanover**  
*Chair*

**James Eshelman**  
*Vice-Chair*

**Commissioners**

**Scott Dzurka**, *Mayor*  
**Eric Hufnagel**, *Commissioner*  
**Mark Holden**  
**Melvin Renfrow**  
**Eric Harger**  
**Brian Mills**  
**Vacant**



**PLANNING COMMISSION**

**JUNE 12, 2024**

**REGULAR MEETING MINUTES**

**1. CALL TO ORDER**

The meeting of the St. Johns Planning Commission was called to order by Chair Hanover at 5:30 p.m.

Members Present: Heather Hanover, Mark Holden, Eric Harger, Scott Dzurka (arrived at 5:39), Eric Hufnagel (arrived at 5:31), James Eshelman, Brian Mills

Members Absent: Melvin Renfrow

Staff Present: Chad Gamble, City Manager; Mindy Seavey, City Clerk; Chris Khorey, McKenna

**2. APPROVAL OF AGENDA**

Motion by Commissioner Eshelman seconded by Commissioner Holden to approve the agenda as presented.

YEA: Hanover, Holden, Harger, Eshelman, Mills

NAY: None

Motion carried.

**3. APPROVAL OF MINUTES – APRIL 10, 2024 MEETING**

Motion by Commissioner Mills seconded by Commissioner Eshelman to approve the minutes as presented.

YEA: Hanover, Holden, Harger, Eshelman, Mills

NAY: None

Motion carried.

Commissioner Hufnagel arrived at 5:31 p.m.

**4. PUBLIC HEARINGS - NONE**

**5. NEW BUSINESS:**

**A. CATS Maintenance Garage – Site Plan Approval**

Chris Khorey, McKenna, discussed: permitted use; no special land use; received an updated site plan this week, but proceed with what is in your packet; conditional approval; and a lot of confidence they will be met.

MaLissa Schutt, Executive Director, of Clinton Transit was present and introduced herself.

John, architect from Hobbs & Black, was present. He discussed: adding maintenance facility to existing main facility; adding space to park vehicles inside; pre-engineered building; taken into account drainage issues; traffic patterns will not change; not adding additional staff or vehicles; doing some site grading and adding asphalt; accounted for all of the drainage. He said he would be happy to answer questions.

There was a discussion of:

- Fantastic and valuable service to the city and county.
- Stormwater drainage issues seem to come at the tail end of application process.
  - Aligning timeline and reviews with public services departments early in the process.
- Any complaints from neighbors on south side of property.
  - We haven't heard anything in relation to this.
  - There is going to need to be some more landscaping.
  - Not a lot of residential except on the south side.
- A lot of movement at night or lights?
  - Ms. Schutt said they intend to be good neighbors.

Mayor Dzurka arrived at 5:39 p.m.

There was a discussion of:

- Updated version that was received on Monday has stormwater and runoff.
  - Recommend they stay in your motion.
- Lack of increase of vehicles; they all don't come and go at the same time.
- Indoor space to transition to EV vehicles and get them out of the weather.
- Sidewalk is there.
- The five recommendations from McKenna.
- Gap that will be filled in with 7 new trees (already on plans in the packet).

Motion by Commissioner Eshelman seconded by Commissioner Dzurka that the Planning Commission approve the site plan with the 5 conditions as listed in the packet.

YEA: Hanover, Holden, Harger, Dzurka, Hufnagel, Eshelman, Mills

NAY: None

Motion carried.

## B. Noise Ordinance

Chris Khorey, McKenna, discussed: current noise ordinance is insufficient; current noise ordinance with redline; not zoning, it is ordinance 93.

City Manager Gamble commended Chris & Jeff. It said it was a completely subjective ordinance and this would make enforcement and compliance more firm, fair and consistent. He discussed very minor editorial things; construction activity, beginning of noise reduction is around 8:00 p.m.; 8 pm – 7 am excluding Sunday.

There was a discussion of:

- How it would affect establishments downtown, such as Sirens?
  - Somewhat self-contained; if outdoor seating and music being emanated from that.
  - Complaints from Castle residents about Sirens.
  - Is it defined whether public space only or emanating from private space?
- Prohibitions regarding construction
  - Permissible levels in 93.22 lists; would be very objective.
- Also relating to public space?

- Need to clearly refer to parks and parking lots also.
- Caution regarding decimeter.
  - Typically, handheld decibel meter.
  - Can add additional language: police or code enforcement.
    - Exemption for construction that has been issued a permit, section 23 #7.
- Section 93.21 (c) (5), 100 feet to yards.
  - #4 says yards; work together.
- Item E. - verb tense on handle.
- How are fireworks addressed under this.
  - Would also be subject to decibel.
  - In cities there is generally waiver on certain dates.
    - When the state adjusted, we also did.
  - Make sure this isn't in conflict with that.
  - Fireworks ordinance language.
  - Fireworks doesn't allow for decibel level.
    - Need to put exemption in this ordinance for fireworks.
- Repairs that are necessary or safer when performed at night during low traffic conditions.
- Distances: 11 and 2k reference feet; need to have it consistent throughout the document.
- Better to quantify it and remove subjectivity such as unreasonably loud.
- Less restrictive, but easier to enforce.
- Reference the table the whole time.
- Distance from property line or physical structure?
- Whether someone is directing a sound to a property for annoyance purpose.
- Bell system in school: exemptions for schools.
  - Could add schools to bells exemption.
  - Church bells.
- Consistency on times.
  - Sections 7 & 9 have 6 am; others have 7 am.
- Sundays.

### C. Corner Lot Regulations

Chris Khorey, McKenna, discussed: the way zoning ordinance treats corner lots differs based on topic; areas of potential concern in red; what is the front on a corner lot (designated by property owner).

There was a discussion of:

- In construction, you don't get a building permit without a house number and it is based on the driveway.
- Inconsistencies on setbacks.
- Get recommendations from the zoning administrator.
- Chicken coops – allowed in street side yards. Continue to allow?
- This will be brought back in August for discussion.

### **6. OLD BUSINESS - NONE:**

### **7. COMMITTEE SITE PLAN APPROVALS - NONE:**

### **8. PUBLIC COMMENT FOR NON-AGENDA ITEMS**

There were no public comments.

### **9. COMMISSIONER COMMENTS**

Commissioner Harger said there was concerns about gravel driveways at prior meetings. He discussed a concern about gravel on the offroad park west of the middle school.

City Manager Gamble said we don't have gravel driveways in our database, he thinks maybe 50 plus or minus. He said our street sweeper goes around 4 times per year in the spring, summer and fall and the Central Business District is weekly. He discussed addressing drive approaches accordingly.

Mayor Dzurka discussed the proposed golf cart ordinance and said the city commission decided not to act on it. He said there is still a lot of concerns regarding public safety; streets that were exempt; when to allow; mint festival; and we don't feel that we have the full votes and support for this.

Chairperson Hanover said we asked before we went into the in-depth study.

Mayor Dzurka said when it did come back, he shared there were several concerns at that time. He said the other consideration was how much demand is there really. He said the arguments against outweighed the arguments for.

Commissioner Mills said will not be here next month. He said he asked a question via email regarding noises (siren) on Saturday and Sunday at noon and he swears it is every weekend. He said with golf carts: don't let perfect get in the way of good. If you don't try something it will never happen. He asked if there is, administratively, a way we can institute a process that we collect and send them information on what they provided public comments to so they can stay informed. They deserve better.

Commissioner Eshelman said hats off to the city for the completion of the trail down Scott Road; it is first class. He said there are a lot of bicycles out and about these days and maintaining lines on some of the streets we have designated (lines on bike lanes). He said he still thinks we need north of the cemetery to have a cut into the trail (west side of the cemetery) and access with a side access path.

Chairperson Hanover said Dave Kudwa thought it helped with thinning of traffic and dampen traffic and a little bit of a lane for bicycles.

## **10. ADJOURNMENT**

Motion by Commissioner Dzurka seconded by Commissioner Holden that the Planning Commission adjourn the meeting.

YEA: Hanover, Holden, Harger, Dzurka, Hufnagel, Eshelman, Mills

NAY: None

Motion carried.

The meeting was adjourned at 6:55 p.m.



# Memorandum

**TO:** City of St. Johns Planning Commission

**FROM:** Christopher Khorey, AICP, Vice President  
Jeff Keesler, Associate Planner

**SUBJECT:** **Accessory Structures in St. Johns**

**DATE:** July 3, 2024

The St. Johns ZBA continued advisory discussion of accessory structure in the City at their regularly scheduled meeting on June 26<sup>th</sup>. The item was considered old business and was previously discussed in a January 2024 meeting.

The ZBA held a high-level discussion on the current state of the St. Johns Zoning Ordinance and whether or not the current form is working for residents and leaders of St. Johns. Examples were given by ZBA members of inconsistencies in the Ordinance, confusing language, and instances where the Ordinance is not easy for residents to use. Detailed discussion can be found in the June 26<sup>th</sup> St. Johns ZBA meeting minutes.

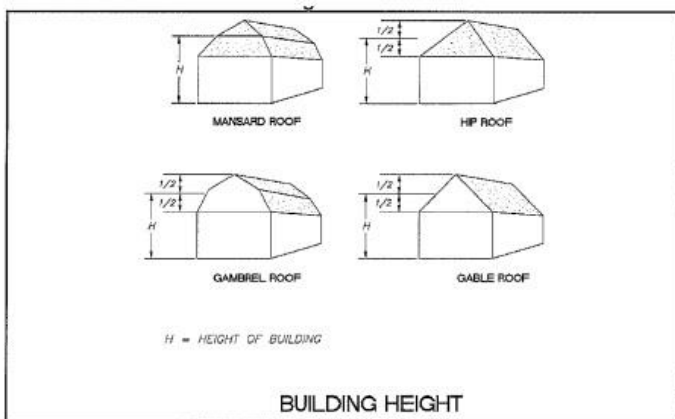
Further discussion lead to members asking the last time a full St. Johns Zoning Ordinance re-write was undertaken. McKenna mentioned that they saw Ordinance adoption dates as far back as at least 2013. Mayor Dzurka mentioned that this could potentially be something the City of St. Johns may want to undertake, especially to eliminate inconsistencies and to make the Ordinance easier to read and use. Other members agreed.

Below is the current Ordinance for accessory structures in St. Johns. The Planning Commission should discuss potential amendments to make to the Zoning Ordinance which might eliminate inconsistencies and make the Ordinance easier to use. The Planning Commission should also consider whether a full re-write of the St. Johns Zoning Ordinance is warranted, or if their preference is for a continuation of addressing the Zoning Ordinance by topic and section.

We look forward to discussing this with the St. Johns Planning Commission further.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable, hip, and gambrel roofs. (See Figure 3-2.)

Figure 3 - 2



**Commented [CK1]:** Should this be changed to measure to the peak of the roof in all instances? That is uncommon, but simpler.

§ 155.189 ACCESSORY BUILDINGS AND STRUCTURES - REGULATIONS.

(A) In a front yard. No accessory building shall project into any front yard.

(B) In a side or rear yard. The exterior wall line of a fire-resistant construction of an accessory structure shall not be constructed closer than ~~five~~**three** feet to any lot line and the roof water runoff of the accessory building shall not be directed to any adjacent property.

**Commented [CK2]:** Buildings that are less than 10 feet apart require fire rated walls under the building code. Should this setback be increased to 5 feet?

(C) On a corner lot. No accessory building shall be closer to the side street lot line than the side yard setback of the principal building on the lot.

**Commented [CK3]:** As discussed, this is different from how chicken coops are handled, but the same as how RVs are handled. Should this be changed? Or should chicken coops be changed?

(D) Entrance. In no case shall the entrance of a garage be less than 20 feet from a street line.

(E) Distance to principal building. No accessory building shall be nearer than ten feet to a principal building. ~~For the purpose of determining lot coverage and setback, an accessory structure located within ten feet of a main building shall be considered "attached."~~

**Commented [CK4]:** Recommend removing this sentence, which seems to contradict the sentence before it.

~~(F) For purposes of this chapter the regulations applicable to accessory buildings shall also apply to any off street parking space on a residential lot.~~

**Commented [CK5]:** This is confusing and has not been well enforced. Remove it?

~~(G)~~ All accessory buildings shall be on a permanent foundation.

**Commented [CK6]:** What is the definition of "permanent foundation"?

~~(G) Accessory buildings may be erected as a part of or connected to the principal building, but in either case accessory buildings are considered a part of the principal building, and all yard and lot coverage requirements for a principal building will be complied with.~~

~~(HG)~~ Accessory building setbacks in non-residential districts.

(1) Any part of a detached accessory building shall be at least 60 feet from any front lot line when ~~the any~~ adjoining lot, including lots across the street, is located in a residential district.

**Commented [CK7]:** Proposed clarifying language.

~~(2) Accessory buildings may be erected as a part of or connected to the principal building, but in either case accessory buildings are considered a part of the principal building, and all yard requirements for a principal building will be complied with.~~

**Commented [CK8]:** Move this above, because it applies to all districts, not just non-residential.

(I) Principal building required. Accessory structures or buildings may only be constructed on a lot that contains a principal building. No accessory structure or building may be constructed on a lot that does not have a principal building.

(J) Appearance. The exterior facade materials and architectural design of all accessory structures in residential districts shall have a residential character. The overall appearance of the structure shall be in accordance with the purpose of the district where it is located.

**Commented [CK9]:** What does "residential character" mean?

(K) ~~Detached and temporary~~ Temporary accessory structures. ~~Detached and temporary~~ Temporary accessory structures that do not require permanent attachment to the ground but have similar characteristics as an accessory structure such as movable carports and playsets shall comply with the requirements for detached accessory buildings.

**Commented [CK10]:** Removing the word "detached" because it's confusing.

~~(L) Lot coverage and setback. Where the accessory structure is attached to a main building, it shall be considered a part of the main building and shall be subject to the area, lot coverage, and setback regulations of this chapter applicable to main buildings. See § 155.170.~~

**Commented [CK11]:** Suggest removing as this is redundant with another section.

(M) Height. Unless specifically noted herein otherwise, the maximum height for attached accessory structures in Non-Residential Districts? shall be the maximum height permitted in the zoning district or the height of the principal structure, whichever is less.

**Commented [CK12]:** Comfortable with this? Changing the definition above changes the meaning of this section.

(N) Accessory buildings and structures in residential districts.

(1) Accessory buildings shall be erected only in the rear yard area.

**Commented [CK13]:** What about side yards?

(2) Accessory buildings shall not exceed 16 feet in height and shall be located at least six feet from any other separate structure on the same lot and shall not be closer than three feet to any lot line, or five feet from an alley right-of-way line. Structures closer than ten feet to another structure on the same or adjacent lots must be constructed of fire rated materials as required by the Building Code.

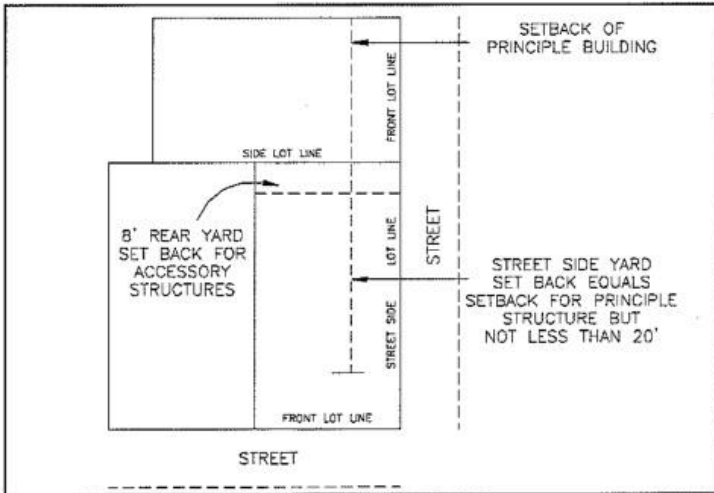
**Commented [CK14]:** Comfortable with this? Comfortable with how it relates to Section M and the definition of height?

(3) When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within eight feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than 20 feet. (See Figure 5-1).

**Commented [CK15]:** Confusing, but good policy. We can update the wording if preferred.



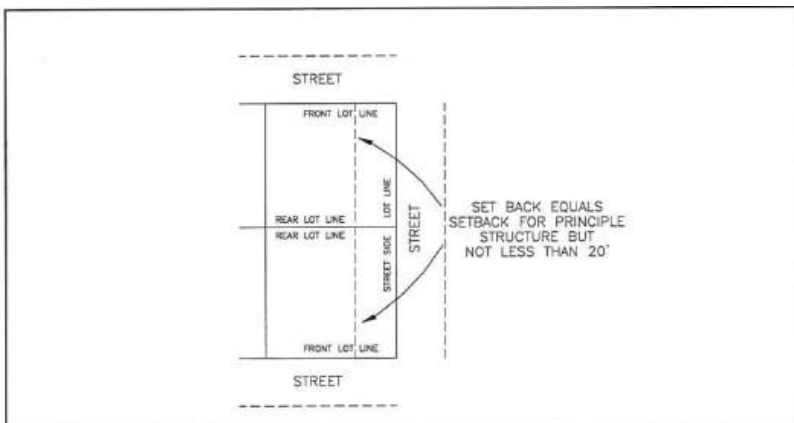
Figure 5 - 1



(4) When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of a corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than 20 feet. (See Figure 5-2.)

**Commented [CK16]:** Similarly, confusing language but good policy.

Figure 5 - 2



(5) Porches, decks, and patios.

**Commented [CK17]:** Any concerns about patio/deck language?

(a) Patios or decks constructed "at-grade" may be built within front, side and rear yard setbacks. An at-grade patio shall mean any patio, deck or concrete slab which is constructed at the approved grade level or which is elevated to a height of not more than 18 inches above the approved grade level.

(b) The surface of any attached deck that extends more than eight feet from the face of the building to which it is attached may not be higher than the first floor elevation of the principal structure.

(c) Unenclosed and/or uncovered front porches and stoops may encroach into a required front yard setback area, but in no case may be located closer than 15 feet from the front property line in the R-1 district or closer than ten feet in the R-2/R-3 district. For the purposes of this provision, unenclosed shall mean having no windows or screens.

(d) Porches, decks, patios covered or partially covered by permanent construction shall not project into any perimeter setbacks.

(e) Handicapped access ramps may encroach into the required perimeter setbacks.

(f) Decks and raised patios may be allowed to project not more than 15 feet into the required rear yard setbacks or five feet into the side yard setback, provided that the following conditions are met:

1. The deck or raised patio does not encroach into any easement.
2. The deck or raised patio is not located facing any street, except when located in the rear yard of a double frontage lot.
3. The deck or raised patio is located not less than five feet from any detached accessory building.
4. Any additional structure attached to the deck or raised patio, such as a gazebo, shall be located at least ten feet from the principal residential structure.
5. The deck or raised patio and all other appurtenant facilities shall conform to any applicable codes and ordinances.

(g) All deck hand railings and/or screening shall not be higher than 42 inches above the surface of the deck (excluding support structures for a roofed porch) without approval from the Planning Commission.

(Ord. 616, passed 9-23-2013; Am. Ord. 642, passed 4-23-2018)

## GENERAL PROVISIONS

### NOISE CONTROL

Updated since the June Planning Commission meeting are highlighted.

#### § 93.20 EXCESSIVE NOISE DECLARED NUISANCE.

~~All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities are hereby declared to be public nuisances. Excessive levels of sound are detrimental to the physical, mental and social well-being of the citizens of the city, as well as to their comfort, quality of life, general welfare and safety. The purpose of this article is to regulate or abate noises which annoy, disturb, injure or endanger the comfort, repose, health, peace, safety or welfare of persons within the city, and to establish maximum sound level limits for motor vehicles and transportation noise and other general environmental noise.~~

~~None of the terms or prohibitions of §§ 93.20 and 93.21 shall apply to or be enforced against:~~

~~(A) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business.~~

~~(B) Highway maintenance and construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county, or the State of Michigan, during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day. (C) Motor vehicles, (as defined in the state motor vehicle code, MCL 257.1 et seq., MSA 9.1801 et seq.) in operation on a public right-of-way;~~

~~(D) Railroad equipment in operation on a railroad right-of-way; or~~

~~(E) Aircraft in flight or in operation at an airport.~~

(1990 Code, § 9.10)

#### § 93.21 SPECIFIC OFFENSES.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

(A) Animal and bird noises. ~~The keeping of any animal or bird which~~Any pet or domestic livestock, as defined in Section 155.200, which, by causing frequent or long continued noise, shall ~~disturb the comfort or repose of any person.~~create a noise disturbance across a property line.

(B) Construction noises. The erection (including excavating therefor), demolition, alteration or repair of any building and the excavation of streets and highways ~~on Sundays and other days,~~Monday-Saturday between the hours of 8 pm and 7 am, ~~except between the hours of 7:00 a.m. and 6:00 p.m.,~~ unless a permit be first obtained from the City Manager. (See Section 93.23.7).

(C) Sound amplifiers. Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose, except one which is noncommercial in character and when so used shall be subject to the following restrictions, unless a permit be first obtained from the City Manager:

(1) The only sounds permitted are music or human speech;

~~—(2) Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.;~~

(32) Sound amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when said truck is stopped or impeded by traffic;

(43) Sound ~~from amplifying equipment~~ shall not be issued within 100 yards ~~of the property line of hospitals, schools or churches, religious institutions;~~

(54) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 ~~feet yards~~ from the sound amplifying equipment and so that the volume is not ~~unreasonably loud in excess of the standards in Section 93.22~~, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility;

(65) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

(D) Engine exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(E) ~~Handling merchandise Loading and unloading.~~ The creation of a loud and excessive noise in connection with loading or unloading any vehicle ~~or the or otherwise handle handling boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance across a residential property line. opening and destruction of bales, boxes, crates and containers.~~

(F) Blowers. The discharge into the open air of air from any noise creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such ~~noise such that the standards of Section 93.22 are not violated.~~

(G) Hawking. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner, ~~in violation of the standards in Section 93.22.~~

(H) Horns and signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time, ~~in violation of the standards of Section 93.22.~~

(I) Radio, TV, boom-box and vehicular radios.

(1) The playing of any radio, television set, phonograph, CD player, boom-box, or any musical instrument, hand-carried, stationary, within a building or dwelling, or within an automobile or other vehicle, in such a manner so as to annoy or disturb the quiet comfort or repose of persons within 50 feet of the device shall be prohibited.

(2) The ~~City Commission~~ ~~City Manager or their designee~~ finds that excessive noise and excessive vibration from such devices degrades the environment, peace and dignity of the city residents and is harmful and detrimental to the health, welfare and safety of its inhabitants. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (a) The level of the noise;
- (b) Whether the nature of the noise is usual or unusual;
- (c) Whether the origin of the noise is natural or unnatural;
- (d) The level and intensity of the background noise, if any;
- (e) The proximity of the noise to residential areas or to persons;
- (f) The nature and zoning of the area within which the noise emanates, such as residential, commercial, or industrial;
- (g) The density of the inhabitation of the area within which the noise emanates;
- (h) The time of day and/or night the noise occurs;
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent, or constant;

(k) Whether the noise is being intentionally used to harass or annoy another person

(k) Whether the noise contains the discharge or escape of sounds or vibrations which cause discomfort in violation of the standards in Section 93.22 to others within 50 feet of the source.

(3) The effective control and elimination of excessive noise and excessive vibration is essential to the furtherance of the health and welfare of the city's inhabitants and to the conduct and normal pursuit of life, recreation, commerce and industrial activity.

(J) Shouting and whistling. Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of ~~11:00~~ 8:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(K) Whistle or siren. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(1990 Code, § 9.11) (Am. Ord. 429, passed 3-13-1995)

§ 93.22 MAXIMUM PERMISSIBLE SOUND LEVELS

No person shall create, assist in creating, permit, continue or permit the continuance of, on private property, any source of sound in such a manner as to create a sound level which exceeds the limits set forth in the table below when measured at or within the property line. Where property is used for both residential and commercial purposes, the residential sound level limits shall be used only for measurements made on the portion of the property used solely for residential purposes. Any sound in excess of the limits shall be deemed prima facie to be a noise disturbance.

<u>Land use district category</u>	<u>Time interval</u>	<u>A-weighted sound level limit (dB(A))</u>
<u>Residential</u>	<u>108:00 p.m. to 7:00 a.m.</u>	<u>60</u>
	<u>7:00 a.m. to 10:00 p.m.</u>	<u>6680</u>
<u>Commercial</u>	<u>8:00 10:00-p.m. to 7:00 a.m.</u>	<u>66</u>
	<u>7:00 a.m. to 10:00 p.m.</u>	<u>7180</u>
<u>Industrial</u>	<u>8:00 10:00-p.m. to 7:00 a.m.</u>	<u>71</u>

	<u>7:00 a.m. to 10:00 p.m.</u>	<u>71-80</u>
Noise sensitive areas (hospitals, schools, and religious institutions)	<u>8:00 <del>10:00</del> p.m. to 7:00 a.m.</u> <u>7:00 a.m. to 10:00 p.m.</u>	<u>60</u> <u>66-70</u>

*\* For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in the table above shall be reduced by five dB(A).*

### § 93.232 EXCEPTIONS.

None of the terms or prohibitions of §§ 93.20 and 93.21 shall apply to or be enforced against:

~~—(A) Emergency vehicles. Any police or fire vehicle or any ambulance, while engaged upon emergency business.~~

~~—(B) Highway maintenance and construction. Excavations or repairs of bridges, streets, or highways by or on behalf of the city, county, or the State of Michigan, during the night, when the public safety, welfare, and~~  
The following noises or noise-producing activities shall be exempt from the provisions of this article:

- ~~(1) Noise associated with athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, colleges or universities.~~
- ~~(2) Noise associated with outdoor gatherings, public dances, shows, concerts, parades, fairs, festivals, and sporting or entertainment events, provided that all necessary permits, licenses or approvals have been obtained from all appropriate jurisdictions for the event, and subject to any alternative maximum sound limits imposed by the city.~~
- ~~(3) Stationary bells, chimes, or carillons played for religious or educational purposes or in conjunction with religious services, for national celebrations or public holidays, or for other noncommercial purposes, between the hours of 7:00 a.m. and 10:00 p.m., and for a period not to exceed 90 seconds' duration in any one hour.~~
- ~~(4) Sound made to alert persons to the existence of an emergency, danger, or attempted crime, including sound made by stationary safety signals and warning devices.~~
- ~~(5) Noise resulting from the provision of essential services.~~
- ~~(6) Noise resulting from emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to protect persons or property from an imminent danger.~~
- ~~(7) Noise sources associated with the construction, repair, remodeling or grading of any real property, between the hours of 68:00 a.m. and 10:00 p.m., provided that all necessary permits have been obtained from the city and the permits are currently in effect.~~
- ~~(8) Noise sources associated with lawn maintenance equipment when it is functioning within manufacturer's specifications and with all mufflers and noise reduction equipment in use and in proper operating condition, between the hours of 7:00 a.m. and 10:00 p.m.~~
- ~~(9) Noise created by mechanical devices, apparatus or equipment associated with agricultural operations, provided the operations do not take place between the hours of 10:00 p.m. and 6 7:00 a.m. of the following day.~~
- ~~(10) Noise associated with the operation or use, for any noncommercial purpose, of any loudspeaker, sound amplifier, public address system or similar device between the hours of 7:00 a.m. and 10:00 p.m., including the use or operation of mechanical loudspeakers on or from a motor vehicle, only if a permit for the specific activity has been granted by the ~~city commission~~City~~

Manager or their designee. The city commissionCity Manager or their designee shall cause such a permit to issue under circumstances and subject to conditions as follows:

- a. The city commissionCity Manager or their designee finds that the applicant has a noncommercial message that cannot be effectively communicated to the public by any 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, as determined by the city commissionCity Manager or their designee; and
- c. The applicant will not use the equipment in residential areas between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

(11) Use of fireworks in compliance with State law and Chapter 135 of the St. Johns Code of Ordinances.

(12) Noise associated with any activity to the extent that regulation of the activity has been preempted by state or federal law. convenience renders it impossible to perform such work during the day.

~~(1990 Code, § 9.12)~~

#### 93.24 EVALUATION OF NOISE LEVEL LIMITS.

It is the intent of the city to periodically reevaluate the noise level limits and other standards contained in this article, and, if it is determined to be appropriate, to adjust such standards either upward or downward in light of future possible advances in technology or the state of the art.

#### 93.25 VIOLATION OF ARTICLE; MUNICIPAL CIVIL INFRACTION

(1) A person who violates any provision of this division (article IV, division 1) is responsible for a municipal civil infraction, subject to payment of a civil fine in the amount provided by this section, plus costs and other sanctions, for each infraction.

(1) An alleged violation shall be investigated by the St. Johns Police Department and/or the St. Johns Code Enforcement Officer. The investigator shall use a decibel meter to determine the loudest observed noise, and, if that noise is in excess of Section 93.22 and otherwise in violation of this Ordinance, it shall be considered to be in violation.

(2) For violations where the source of noise is associated with a residential activity (regardless of the character of the receiving land use), the amount of the civil fine shall be no less than \$10.00set and revised annually by the City Manager or their designee. Repeat offenses under this subsection shall be subject to increased fines as provided by section 1-11(c)(2) of this Code, except that the increased fine for a repeat offense shall be as follows:as set and revised annually by the City Manager or their designee.

a. The fine for any offense which is a first repeat offense shall be no less than \$20.00, plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$50.00, plus costs.

(23) For violations where the source of noise is associated with a commercial or industrial activity (regardless of the character of the receiving land use), the amount of the civil fine shall be no less than \$50.00set and revised annually by the City Manager or their designee. Repeat offenses under this subsection shall be subject to increased fines as provided by section 1-11(c)(2) of this Code.

(a) No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy of any person for injury or damage arising from any violation of this article or from other law.

(b) If there is any evidence of retaliation by any offender against any complainant or witness, the evidence shall be communicated to the district court. When sentencing any violator, the district court shall first examine the evidence of retaliation, and if acts of retaliation shall be shown, shall consider the acts and sentence the violator accordingly.