

**CITY OF ST. JOHNS  
ORDINANCE NO. 691**

**AN ORDINANCE TO AMEND TITLE IX: GENERAL REGULATIONS, CHAPTER 93:  
NUISANCES**

An Ordinance to amend the metrics for noise ordinance violations in the City of St. Johns

**SECTION 1. Amendment to Title IX: General Regulations, Chapter 93: Nuisances, Section 93.20: Excessive Noise Declared Nuisance.** The City amends Title IX, Chapter 93, Section 93.20 to read as follows:

“§ 93.20 EXCESSIVE NOISE DECLARED NUISANCE.

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;
- (C) Railroad equipment in operation on a railroad right-of-way; or
- (D) Aircraft in flight or in operation at an airport.”

**SECTION 2. Amendment to Title IX: General Regulations, Chapter 93: Nuisances, Section 93.21: Specific Offenses.** The City amends Title IX, Chapter 93, Section 93.21 to read as follows:

“§ 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. Any pet or domestic livestock, as defined in Section 155.200, which, by causing frequent or long continued noise, shall 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 Monday-Saturday between the hours of 8 pm and 7 am, 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) 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;
- (3) Sound from amplifying equipment shall not be issued within 100 yards of the property line of hospitals, schools or religious institutions;
- (4) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 yards from the sound amplifying equipment and so that the volume is not in excess of the standards in Section 93.22, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility;
- (5) 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) Loading and unloading. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or otherwise 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.

(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 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.
- (l) Whether the noise contains the discharge or escape of sounds or vibrations in violation of the standards in Section 93.22 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 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.”

**SECTION 3. Amendment to Title IX: General Regulations, Chapter 93: Nuisances.** Title IX, Chapter 93 is amended to add a new Section 93.22 to read as follows:

“§ 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.

Land use district category	Time interval	A-weighted sound level limit (dB(A))
Residential	8:00 p.m. to 7:00 a.m.	60
	7:00 a.m. to 8:00 p.m.	80
Commercial	8:00 p.m. to 7:00 a.m.	66
	7:00 a.m. to 8:00 p.m.	80
Industrial	8:00 p.m. to 7:00 a.m.	71
	7:00 a.m. to 8:00 p.m.	80
Noise sensitive areas (hospitals, schools, and religious institutions)	8:00 p.m. to 7:00 a.m.	60
	7:00 a.m. to 8:00 p.m.	70

*\* 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)."*

**SECTION 4. Amendment to Title IX: General Regulations, Chapter 93: Nuisances, re-numbering Section 93.22: Exceptions.** Section 93.22 shall be renumbered to Section 93.23 and amended to read as follows:

“§ 93.23 EXCEPTIONS.

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 8:00 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 6:00 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 8:00 p.m. and 7:00 a.m. of the following day unless otherwise preempted by the Right to Farm Act and in conformity with the Generally Accepted Agricultural and Management Practices approved by the Michigan Commission of Agriculture.

(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 8:00 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 Manager or their designee. The City Manager or their designee shall cause such a permit to issue under circumstances and subject to conditions as follows:

- a. The City 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 Manager or their designee; and
- c. The applicant will not use the equipment in residential areas between the hours of 8:00 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.

**SECTION 5. Amendment to Title IX: General Regulations, Chapter 93: Nuisances.** Title IX, Chapter 93 is amended to add new Section 93.24 to read as follows:

“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.”

**SECTION 6. Amendment to Title IX: General Regulations, Chapter 93: Nuisances.** Title IX, Chapter 93 is amended to add new Section 93.25 to read as follows:

“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 set and revised annually by the City Manager or their designee.

(3) 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 set 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.”

**SECTION 7. Repealer Clause**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 8. Savings Clause**

This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order, or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities, or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued, or grown out of any Ordinance, Resolution, Order, or policy, or any part thereof, hereby repealed.

**SECTION 9. Validity and Severability**

Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be

construed as affecting the validity of the remaining portions of this Ordinance.

**SECTION 10. Effective Date**

This Ordinance shall be effective twenty (20) days from and after its adoption by the City of St. Johns City Commission and after its publication.

YEAS: Hufnagel, Gurski, Dzurka  
NAYS: Hyzer  
ABSTAIN: None  
ABSENT: DeLiso

CERTIFICATION

As the City Clerk of the City of St. Johns, Clinton County, Michigan, I certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on February 24, 2025.

Scott Dzurka, Mayor \_\_\_\_\_

Mindy J. Seavey, Clerk \_\_\_\_\_