



CITY OF ANN ARBOR NOISE CONTROL EXEMPTION
Temporary Exemption from Maximum Permissible Sound Levels
INSTRUCTIONS

City Ordinance Title IX, Chapter 119 establishes maximum permissible decibel (sound) levels for activity occurring within the City limits. A copy of the ordinance is attached for reference. Section 9:364 contains the maximum permissible levels.

If you have an approved Special Event Permit sound exemptions are approved as part of that process. There is no need to request a separate Temporary Exemption from Maximum Permissible Sound Levels.

If you have an approved Extension of Construction Hours Permit sound exemptions are NOT approved as part of that process. You will need to request a separate Temporary Exemption from Maximum Permissible Sound Levels.

Exemptions are defined in the ordinance. Temporary exemptions will only be granted if the request falls under the criteria of section 9:367 "Temporary Exemptions."

In general, if not explicitly allowed through the ordinance, exemptions will not be granted for activities other than those that are emergencies or activities that would be in the public interest and there is no feasible alternative to the activity or the method of conducting the activity.

A common example of an event that does not meet the criteria for consideration of a temporary exemption is a private event held on private or public property that produces music, whether live or recorded, that is clearly audible beyond the property line of the property on which it is conducted.

Private parties usually fall into this category.

Noise violations are generally complaint driven. This means that police generally respond to noise complaints only when someone calls to complain about loud noise.

It is suggested that you contact all neighbors near the location where your event will be held and offer them a point of contact to reach out to if they are disturbed by the noise of the event. This may help resolve issues without the need to involve police.

Requests for exemptions will be considered based on the answers to the questions on the attached request form.

Note: If the conditions under which the temporary exemption are based upon change or if the activities exceed the scope of what is stated in this application for exemption, the temporary exemption may be revoked and the person or organization responsible for the noise control violation may be issued a code violation resulting in a fine of up to \$500.00 per violation. Warnings may not necessarily be given.

Please allow 5 business days for processing and a reply regarding approval or denial of the request. An \$8 processing fee is required. Submit the fee and the completed exemption request to:

Ann Arbor City Clerk, 301 E. Huron St., Ann Arbor, MI 48104

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Ann Arbor City Clerk
301 E. Huron St., Ann Arbor, MI 48104
734-794-6140
cityclerk@a2gov.org



Official Use Only	
Approved:	<input type="checkbox"/> YES <input type="checkbox"/> NO
Police Rep _____	Date _____
Clerk Rep _____	Date _____

CITY OF ANN ARBOR NOISE CONTROL EXEMPTION
Temporary Exemption from Maximum Permissible Sound Levels

REQUEST FORM

Provide the following information. Use a separate sheet of paper if necessary to provide detailed responses.

Name of Person, Organization, or Company _____
Contact Person (if Organization or Company) _____
Contact phone number: _____ Email Address: _____
Date & Time(s) of event/activity: _____
Day of Week: Sun Mon Tue Wed Thu Fri Sat
Is this a holiday: Yes No
Address of event/activity: _____
Purpose of the activity: _____
Description of the activity: _____

1. What feasible and prudent alternative to the activity, or the method of conducting the activity, is there?

2. What is the level of the sound, in decibels, to be generated by the event or activity? See the attached chart for reference. _____ Decibels
3. Is the type of sound to be produced by the event or activity unusual for the location or area for which the exemption is requested? YES NO
If yes, describe: _____
4. The sound produced will be (circle all that apply):
STEADY INTERMITTENT IMPULSIVE REPETITIVE OTHER: _____
5. Estimate, in feet, how near any properties of residential or any other use which would be adversely affected by the sound of the requested activity. Examples of other use are: healthcare facilities, daycare facilities, retirement properties, etc. _____ Feet
6. How would granting this request be in the best interest to the public even if it were viewed by others to be unreasonably loud? _____

Comparative Examples of Noise Levels

Comparative Examples of Noise Sources, Decibels & Their Effects

Noise Source	Decibel Level	Decibel Effect
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hr exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000.

SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/environ10.html), and Federal Agency Review of Selected Airport Noise Analysis Issues, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to Outdoor Noise and the Metropolitan Environment, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

ARTICLE I. - NON-VEHICULAR NOISE

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9:360. - Applicability.

The provisions of Article I apply to all sources of sound except: 1) motor vehicles (as defined in the State Motor Vehicle Code, 1949 P.A. 300 (MCLA 257.1 et seq.) in operation on a public right-of-way; 2) aircraft in flight or in operation at an airport; 3) railroad equipment in operation on railroad rights-of-way.

9:361. - Definitions.

As used in this Article:

- (1) "*dB(A)*" means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute standard S 1.4-1971.
- (2) "*Commercial*" means a use of the property for purposes other than residential.
- (3) "*Legal holiday*" means the following days: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veterans' Day, Christmas Day.
- (4) "*Property line*" means the imaginary line which represents the legal limits of property (including an apartment, condominium, room, or other dwelling unit) owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.
- (5) "*Residential*" means a legal use of property for temporary or permanent dwelling purposes.

(Ord. No. 12-33, § 1, 12-3-12)

9:362. - General prohibition.

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the City of Ann Arbor.

9:363. - Specific prohibitions.

No person shall engage in, assist in, permit, continue or permit the continuance of the following activities if the activity produces clearly audible sound beyond the property line of the property on which it is conducted even if the sound level is equal to or less than the dB(A) specified in Section 9:364:

- (1) The operation, between 10:00 p.m. and 7:00 a.m., of power tools or equipment.
- (2) The operation, between 10:00 p.m. and 7:00 a.m., of any device for killing, trapping, attracting, or repelling insects or other pests.
- (3) The sounding, between 10:00 p.m. and 7:00 a.m., 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 section 9:365(5).
- (4) The operation or playing between 10:00 p.m. and 7:00 a.m. of any radio, television, phonograph, drum or musical instrument.
- (5) Construction, repair, remodeling, demolition, drilling or excavation work at any time on Sunday or a legal holiday and between 8:00 p.m. and 7:00 a.m. Monday-Saturday, except as permitted by section 9:365(2). The persons to whom this subsection applies shall include, but not be limited to, construction managers, foremen, property owners, developers, contractors, and subcontractors who direct, order, require, authorize, or commission another person to perform these activities in a manner that violates this section. If the person is an entity, this subsection shall also apply to the officers, directors, partners, limited liability company members, or other individuals constituting such entity.
- (6) The operation or use between 10:00 p.m. and 7:00 a.m. of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds.
- (7) The creation of a 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.
- (8) The use of any drums, loud-speakers, musical devices or other instruments or devices for the purpose of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
- (9) A noise nuisance as defined in Chapter 107 (Animals) after 10:00 p.m. and before 7:00 a.m.

(Ord. No. 08-17, § 1, 6-2-08; Ord. No. 12-33, § 2, 12-3-12)

9:364. - Maximum permissible sound levels.

No person shall conduct or permit any activity that produces a dB(A) beyond his property line exceeding the levels specified in Table I. Where property is used for both residential and commercial purposes, the residential sound levels shall be used only for measurements made on the portion of the property used solely for residential purposes.

TABLE I

USE OF PROPERTY RECEIVING THE SOUND	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Residential	61	55
Commercial	71	61

(All limits expressed in dB(A)).

9:365. - Limited exemptions.

The following limited activities are exempted from the sound level limitations of [section 9:364](#):

- (1) Operation, between 7:00 a.m. and 10:00 p.m., of power equipment that does not produce a sound level exceeding 90 dB(A) beyond the property line of the property on which the equipment is operated.
- (2) Construction, repair, remodeling, demolition, drilling, wood cutting or excavation work conducted between 7:00 a.m. and 8:00 p.m. Mondays through Saturdays, except legal holidays, which does not produce a sound level exceeding [105](#) dB(A) beyond the property line of the property on which the work is being conducted. Also, a person may engage in such activities at his residence between 9:00 a.m. and 6:00 p.m. on Sundays.
- (3) Operation or use, for any noncommercial purpose, of any loud-speaker, sound amplifier, public address system, or similar device to amplify spoken words between 7:00 a.m. and 10:00 p.m. This exemption applies to the use or operation of mechanical loud-speakers on or from motor vehicles only if a specific permit for the activity has been granted by the City Council. The City Council shall cause such a permit to issue when it finds the following:
 - (a) The applicant has a noncommercial message that cannot be effectively communicated to the public by the other means of communication available.
 - (b) The applicant will limit the use of the loud-speakers to times, locations and sound levels which will not unreasonably disturb the public peace.
 - (c) The applicant will not use the equipment in residential areas between 10:00 p.m. and 7:00 a.m.
- (4) The operation between 7:00 a.m. and 10:00 p.m. of any device for killing, trapping, attracting, or repelling insects or other pests which does not produce a sound level exceeding [83](#) dB(A) beyond the property line of the property on which the device is operated.
- (5) The use for noncommercial purposes of one or more bells or chimes which does not exceed 90 seconds in duration in an hour.
- (6) Carillon playing between 7:00 a.m. and 10:00 p.m.
- (7) Playing or practicing with a single musical instrument between 7:00 a.m. and 10:00 p.m. without electric amplification for not more than one hour a day that does not produce a sound level in excess of 67 dB(A) beyond the property line of the property on which the instrument is used.

9:366. - General exemptions.

- (1) The following activities are exempted from the sound level limitations of [section 9:364](#)
 - (a) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.
 - (b) Sound made to alert persons to the existence of an emergency, danger, or attempted crime.
 - (c) Activities or operations of governmental units or agencies.
 - (d) Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the city.
 - (e) Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, as defined in section 5:8(27) and (31) of [Chapter 55](#), and public or private colleges or universities.
- (2) The following activities are exempted from the requirements of [section 9:363](#)
 - (a) Regular activities or operations of governmental units or agencies provided the activity is approved in advance and in writing by both the department head or agency director and the Administrator.
 - (b) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
 - (c) Devices or activity creating sound made to alert persons to the existence of an emergency, danger, or attempted crime.
 - (d) Equipment and activities creating sound from the collection of solid waste, as defined in [Chapter 26](#), within the Downtown District, as defined in [Chapter 7](#), after 6:00 a.m. and before 10:00 p.m.

9:367. - Temporary exemptions.

- (1) The city administrator is authorized to grant a temporary exemption from the maximum permissible sound levels established by this article if such temporary exemption would be in the public interest and there is no feasible and prudent alternative to the activity, or the method of conducting the activity, for which the temporary exemption is sought.
- (2) The following factors shall be considered by the administrator in determining whether to grant a temporary exemption:
 - (a) The balance of the hardship to the applicant, the community and other persons in not granting the variance against the adverse impact on the health, safety and welfare of persons adversely affected and any other adverse effects of the granting of the variance.
 - (b) The nearness of any residence or residences, or any other use which would be adversely affected by sound in excess of the limits prescribed by this article.
 - (c) The level of the sound to be generated by the event or activity.
 - (d) Whether the type of sound to be produced by the event or activity is usual or unusual for the location or area for which the variance is requested.
 - (e) The density of population of the area in which the event or activity is to take place.
 - (f) The time of day or night which the activity or event will take place.
 - (g) The nature of the sound to be produced, including but not limited to, whether the sound will be steady, intermittent, impulsive, or repetitive.
- (3) A temporary exemption must be in writing and signed by the administrator or his appointed representative and must set forth the name of the party granted the exemption, the location of the property for which it is authorized, the date(s) and time(s) for which it is effective and the dB(A) level(s) authorized.
- (4) A temporary exemption may be granted only for the period of time that is reasonably necessary to conduct the activity, which in no case may exceed 30 days.

9:368. - Variances.

Persons wishing to continue activities which commenced prior to this article and which create noise in excess of the permitted levels may seek a variance from the building board of appeals. Such a variance may be granted if the board finds that strict application of this chapter would cause a hardship and that there is no reasonable and prudent alternative method of engaging in the activity.

9:369. - Liability of owner, lessee, or occupant.

If the person responsible for an activity which violates this article cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. A person found responsible under this section shall be guilty of a civil infraction punishable by a fine of \$50.00 to \$500.00 plus costs. For a second offense within a 2-year period, the fine shall be \$100.00 to \$500.00 plus costs. For third and subsequent offenses within a 2-year period, the fine shall be \$200.00 to \$500.00 plus costs.

(Ord. No. 56-88, § 1, 12-5-88; Ord. No. 61-91, § 1, 10-21-91)

9:370. - Penalty.

Except as provided in [section 9:369](#), an activity which violates this article shall be punishable by a fine of \$50.00 to \$500.00 plus costs. For a second offense within a 2-year period, the fine shall be \$100.00 to \$500.00 plus costs. For third and subsequent offenses within a 2-year period, the penalty shall be \$200.00 to \$500.00 plus costs and/or, in the discretion of the court, up to 240 hours community service.

(Ord. No. 56-88, § 2, 12-5-88; Ord. No. 61-91, § 2, 10-21-91)

9:371—9:374. - Reserved.