

Michigan Noise Related Statutes, Regulations, Policies

29.5k Attended terminal at which tank filled by pipeline; high level alarm system.

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In addition to the requirements specified in section 5j, each attended terminal at which a tank filled by a pipeline is located shall comply with the following requirements:

- (a) The high level alarm system at the terminal shall provide an **audible sound** of sufficient decibels to alert personnel responsible for taking corrective action.
- (b) The high level alarm system at the terminal shall be electrically self-supervised and equipped with an audible trouble alarm which has a distinctive **sound** that is not used for any other purpose. The audible trouble alarm shall sound upon the occurrence of any of the following:

91.1 General powers.

(1) A city incorporated under the provisions of this act has, and the council may pass ordinances relating to, the following general powers:

- (a) To restrain and prevent vice and immorality, gambling, **noise** and disturbance, and indecent or disorderly conduct or assemblages; to prevent and quell riots; to preserve peace and good order; and to protect the property of the city or of persons in the city.

123.1113 Ordinance; additional provisions.

The ordinance authorized under section 1 may also include such other provisions the local unit of government considers necessary, including, but not limited to, prohibiting any person from doing any of the following within 500 feet of the property line of a building or other location where a funeral, memorial service, burial, or viewing of a deceased person is being conducted or within 500 feet of a funeral procession in the hour immediately before, or during, or in the 2 hours immediately following:

- (a) Making loud and raucous **noise** and continuing to do so after being asked to stop.

125.3204 Single-family residence; instruction in craft or fine art as home occupation.

A zoning ordinance adopted under this act shall provide for the use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence. This section does not prohibit the regulation of **noise**, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence under this section.

224.18 State reward; map; conversion; determination; notice; official name; intercounty roads; abandonment; discontinuance of jurisdiction; petition; list of occupants on abutting land; hearing; property as site of public access; determination as binding; easement; operation and maintenance of property; effect of noncompliance with subsection (12); reopening road ending; closure; initiation of proceedings.

(12) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (8), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue **noise**, and congestion as necessary.

247.44 Highway bordering on lake or stream; court order; operation and maintenance of property; effect of noncompliance with subsection (3); reopening road ending; closure; initiation of proceedings.

(3) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (2), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue **noise**, and congestion as necessary.

247.651i Demonstration projects.

(b) Pavement designs intended to improve performance, including, but not limited to, friction, surface stress, reduction of **noise**, and improvement of ride quality.

257.707 Muffler, engine, power mechanism, and exhaust system; requirements; prohibitions.

(1) A motor vehicle, including a motorcycle or moped, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual **noise** and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motorcycle or moped on a highway or street.

(2) The engine and power mechanism

257.707a Definitions used in MCL 257.707a to 257.707e.

As used in sections 707a to 707e:

(a) “Decibel” means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American national standards institute standard S 1.1-1960.

(b) “Decibels on the a-weighted network” or “DBA” means decibels measured on the a-weighted network of a sound level meter, as specified in American national standards institute standard S 1.4-1971.

(c) “Fast meter response” means the meter ballistics of meter dynamic characteristics as specified by American national standard S 1.4-1971.

(d) “Maximum **noise**” means the **noise** emitted from a vehicle during that manner of operation which causes the highest DBA level possible from that vehicle.

(e) “Muffler” means a device for abating the sound of escaping gases of an internal combustion engine.

(f) “Exhaust system” means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

(g) “**Noise**” means any sound.

(h) “Total **noise**” means noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle.

(i) “Gross vehicle weight rating” means the value specified by the manufacturer as the loaded weight of a vehicle.

(j) “Combination vehicle” means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

257.707b Exhaust system; requirements.

(1) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this act.

(2) For purposes of sections 707a to 707f, a motor vehicle does not include a special mobile equipment.

257.707c Noise limitations; prohibitions.

(1) After April 1, 1978, a motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(iii) and (c)(iii):

(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.

(i) Ninety DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

(i) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test at 75 inches.

(c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b):

(i) Eighty-two DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Seventy-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test 20 inches from the end of the tailpipe.

(2) A dealer shall not sell or offer for sale for use upon a street or highway in this state a new motor vehicle manufactured after April 1, 1978, which produces a maximum noise exceeding the following limits:

(a) A motor vehicle with a gross vehicle weight rating of 8,500 pounds or more—83 DBA.

(b) A motorcycle or a moped—83 DBA.

(c) A motor vehicle not covered in subdivision (a) or (b)—80 DBA.

(3) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or a similar device.

(4) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this act or a rule promulgated under this act.

(5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or operate a motor vehicle so altered on a street or highway.

(6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this act.

257.707d Violations; penalties; liability; prima facie evidence.

(1) A person who violates section 707c(2), (4), or (6) is guilty of a misdemeanor punishable by a fine of \$100.00.

(2) A person who violates section 707b or 707c(1), (3), or (5) is responsible for a civil infraction.

(3) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this act shall be liable to the person who receives a citation for violation of 707c for the amount of not less than \$100.00, plus reasonable attorney fees and court costs.

(4) If it is shown that the **noise** level of a motor vehicle is in excess of the DBA levels established in this act, that evidence shall be prima facie evidence that the motor vehicle was producing excessive **noise** in violation of this act.

(5) A violation of section 707c(4) or (6) by a dealer licensed under this act is prima facie evidence of a fraudulent act under section 249.

257.707e Test instrumentation and procedures; rules; local vehicle noise rules.

(1) Test instrumentation and procedures used for implementation and enforcement of sections 707a to 707d shall substantially conform with applicable standards and recommended practices established by the society of automotive engineers, inc., and the American national standards institute, inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures shall be promulgated by the department of state highways and transportation. The rules may provide for measurement at other than the distance specified in section 707c, provided that the decibel limits applied at the other distances are adjusted accordingly, to meet the standards in section 707c. The rules shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(2) This act occupies the whole field of vehicle **noise** regulation. A city, county, village, or township shall not adopt or enforce vehicle **noise** rules unless the rules are identical to the requirements of this act.

259.80b Conformance with standard traffic patterns recommended by federal air regulations; exceptions; flying aircraft acrobatically; payment of storage, repair, and supply charges; responsibility for safe operation; report of accident; distance requirements.

(1) A person operating an aircraft shall conform to standard traffic patterns recommended by federal air regulations except as follows:

(a) When meteorological conditions are such that compliance with visual flight rules as prescribed by federal air regulations is impossible at the prescribed traffic pattern altitudes, altitudes may be reduced as necessary down to but no lower than altitudes in accordance with the appropriate federal air regulations, this act, and the rules promulgated under this act.

- (b) If local conditions require, and the traffic pattern has been altered to fit these conditions and approved by the commission.
- (2) Aircraft shall conform with properly established local **noise** abatement procedures.

259.109 Definitions.

As used in this chapter:

(a) “Airport” means a publicly owned airport licensed by the state transportation department, bureau of aeronautics under section 86 and includes all airport facilities at the airport. An airport is “publicly owned” if the portion used for the landing and taking off of aircraft is owned, operated, controlled, leased to, or leased by the United States or any agency or department of the United States, this state, a local government or any municipality or other political subdivision of this state, or any other governing body, public agency, or other public corporation. Property to be included as part of an airport shall include all of the following:

- (i) Property within the area identified in the latest exhibit A, the property map based on deeds, title opinions, land surveys, an approved airport layout plan, and project documentation included with or attached to federal grant agreements executed by the local government that owns or operates the airport prior to the transfer of operational jurisdiction over the airport to an authority created under this chapter, and lands purchased with federal funds and passenger facility charges related to the airport.
 - (ii) Other property acquired with the proceeds of any airport generated revenues, passenger facility charges, federal grants-in-aid related to the airport, or other federal grants for airport purposes by the local government that owns the airport over which operational jurisdiction is being transferred to an authority.
 - (iii) Other property owned or acquired by an authority for airport purposes.
- (b) “Airport facilities” means any of the following at an airport:
- (i) Real or personal property, or interest in real or personal property, used for the landing, taking off, taxiing, parking, storing, shelter, supply, or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used for airport buildings or other airport facilities, and all appurtenant rights-of-way.
 - (ii) Real or personal property, and easements above, on, or under the surface of real or personal property, used or intended to be used for over-flight, for **noise** abatement or **noise** buffers, for clear zones, or for side transition zones.

286.472 Definitions.

As used in this act:

- (b) “Farm operation” means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
 - (ii) The generation of **noise**, odors, dust, fumes, and other associated conditions.

286.473c Property subject to disclosure; contents of statement.

(1) Certain real property is subject to those disclosures described in section 7 of the seller disclosure act, Act No. 92 of the Public Acts of 1993, being section 565.957 of the Michigan Compiled Laws. A seller of real property located within 1 mile of the property boundary of a farm or farm operation may voluntarily make available to the buyer the following statement: “This notice is to inform prospective residents that the real property they are about to acquire lies

within 1 mile of the property boundary of a farm or farm operation. Generally accepted agricultural and management practices may be utilized by the farm or farm operation and may generate usual and ordinary **noise**, dust, odors, and other associated conditions, and these practices are protected by the Michigan right to farm act.”.

286.474 Investigation of complaints involving farm or farm operation; memorandum of understanding; generally accepted agricultural and management practices; unverified complaints; applicability of other statutes; preemption of local ordinance, regulation, or resolution; ordinance proposed by local unit of government; generally accepted agricultural and management practices for site selection and odor controls at new or expanding animal livestock facilities; advisory committee; manure management plan; duties of department; definitions.

(1) Subject to subsection (2), the director shall investigate all complaints involving a farm or farm operation, including, but not limited to, complaints involving the use of manure and other nutrients, agricultural waste products, dust, **noise**, odor, fumes, air pollution, surface water or groundwater pollution, food and agricultural processing by-products, care of farm animals and pest infestations. Within 7 business days of receipt of the complaint, the director shall conduct an on-site inspection of the farm or farm operation. The director shall notify, in writing, the city, village, or township and the county in which the farm or farm operation is located of the complaint.

289.822 Definitions.

(i) The generation of **noise**, odors, waste water, dust, fumes, and other associated conditions.

320.2034 Forestry operations as public or private nuisance.

(b) **Noise** from forestry equipment used in normal, generally accepted forestry management practices.

324.5408 Project plan; environmental review; categorical exclusion; criteria; environmental assessment; finding of no significant impact; environmental impact statement; record of decision; project reevaluation for compliance with national environmental policy act requirements; action prohibited during public comment period.

(e) The project will directly or indirectly, such as through induced development, have significant adverse effect upon any of the following:

(i) Local ambient air quality.

(ii) Local **noise** levels.

324.11540 Rules; sanitary design and operational standards.

Not later than September 11, 1979, the department shall submit to the legislature rules that contain sanitary design and operational standards for solid waste transporting units and disposal areas and otherwise implement this part. The rules shall include standards for hydrogeologic investigations; monitoring; liner materials; leachate collection and treatment, if applicable; groundwater separation distances; environmental assessments; methane gas control; soil erosion; sedimentation control; groundwater and surface water quality; **noise** and air pollution; and the use of floodplains and wetlands.

324.61506 Supervisor of wells; powers and duties generally.

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(t) To prevent regular or recurring nuisance **noise** or regular or recurring nuisance odor in the exploration for or development, production or handling of oil and gas.

324.81133 Operation of ORV; prohibited acts.

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(g) Unless the vehicle is equipped with a spark arrester type United States forest service approved **muffler**, in good working order and in constant operation. Exhaust **noise** emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a **sound level** meter that meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 dB(A) or 94 dB(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the United States environmental protection agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this part, manufactured or assembled after December 31, 1972 and used, sold, or offered for sale in this state, shall conform to the **noise** emission levels established by the United States environmental protection agency under the **noise** control act of 1972, 42 USC 4901 to 4918.

324.82126 Operation of snowmobile; prohibitions; exemption; construction, operation, and maintenance of snowmobile trail; conditions; demarcation of trail by signing; “operate” defined; prohibited conduct; assumption of risk; violation of subsection (2) as civil infraction; fine.

- (1) A person shall not operate a snowmobile under any of the following circumstances:
 - (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
 - (b) In a forest nursery, planting area, or on public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or posted or reasonably identifiable as a natural dedicated area that is in zone 2 or zone 3.
 - (c) On the frozen surface of public waters as follows:
 - (i) Within 100 feet of a person, including a skater, who is not in or upon a snowmobile.
 - (ii) Within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile.
 - (iii) On an area that has been cleared of snow for skating purposes unless the area is necessary for access to the public water.
 - (d) Within 100 feet of a dwelling between 12 midnight and 6 a.m., at a speed greater than the minimum required to maintain forward movement of the snowmobile.
 - (e) In an area on which public hunting is permitted during the regular November firearm deer season from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except under 1 or more of the following circumstances:
 - (i) During an emergency.
 - (ii) For law enforcement purposes.

- (iii) To go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle.
 - (iv) For the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations.
 - (v) On the person's own property or property under the person's control or as an invited guest.
- (f) While transporting on the snowmobile a bow, unless unstrung or encased, or a firearm, unless unloaded in both barrel and magazine and securely encased.
- (g) On or across a cemetery or burial ground.
- (h) Within 100 feet of a slide, ski, or skating area except when traveling on a county road right-of-way pursuant to section 82119 or a snowmobile trail that is designated and funded by the department. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
- (i) On a railroad or railroad right-of-way. This prohibition does not apply to railroad personnel, public utility personnel, law enforcement personnel while in the performance of their duties, or persons using a snowmobile trail located on or along a railroad right-of-way, or an at-grade snowmobile trail crossing of a railroad right-of-way, that has been expressly approved in writing by the owner of the right-of-way and each railroad company using the tracks and that meets the conditions imposed in subsections (4) and (5). A snowmobile trail or an at-grade snowmobile trail crossing shall not be constructed on a right-of-way designated by the federal government as a high-speed rail corridor.
- (2) Except as provided under subsection (3), a person shall not operate a snowmobile unless the snowmobile is equipped with a muffler in good working order and in constant operation from which **noise** emission does not exceed either of the following:
- (a) For a snowmobile manufactured after July 1, 1977 and sold or offered for sale in this state, 78 decibels at 50 feet, as measured using the 2003 society of automotive engineers standard J192.
 - (b) For a stationary snowmobile manufactured after July 1, 1980 and sold or offered for sale in this state, 88 decibels, as measured using the 2004 society of automotive engineers standard J2567.
- (3) A person is exempt from the requirement of subsection (2) under either of the following circumstances:
- (a) While operating a snowmobile during an organized race on a course that is used solely for racing.
 - (b) While operating a snowmobile on private property, with the permission of the private property owner, in preparation for an organized race, if the operation of the snowmobile is in compliance with applicable local **noise** ordinances.
- (4) A snowmobile trail located on or along a railroad right-of-way shall be constructed, operated, and maintained by a person other than the person owning the railroad right-of-way and the person operating the railroad, except that an at-grade snowmobile trail crossing of a railroad right-of-way shall be constructed and maintained by the person operating the railroad at the sole cost and expense of the person operating the trail connected by the crossing, pursuant to terms of a lease agreement under which the person operating the trail agrees to do all of the following:

- (a) Indemnify the person owning the railroad right-of-way and the person operating the railroad against any claims associated with, arising from, or incidental to the construction, maintenance, operation, and use of the trail or at-grade snowmobile trail crossing.
 - (b) Provide liability insurance in the amount of \$2,000,000.00 naming the person owning the railroad right-of-way and the person operating the railroad as named insureds.
 - (c) Meet any other obligations or provisions considered appropriate by the person owning the railroad right-of-way or the person operating the railroad including, but not limited to, the payment of rent that the person owning the railroad right-of-way or the person operating the railroad is authorized to charge under this part and the meeting of all construction, operating, and maintenance conditions imposed by the person owning the railroad right-of-way and the person operating the railroad regarding the snowmobile trail.
- (5) A snowmobile trail shall be clearly demarcated by signing constructed and maintained at the sole cost and expense of the grant program sponsor. The signing shall be placed at the outer edge of the railroad right-of-way, as far from the edge of the railroad tracks as possible, and not closer than 20 feet from the edge of the railroad tracks unless topography or other natural or manmade features require the trail to lie within 20 feet of the edge of the railroad tracks. The at-grade snowmobile trail crossing of a railroad right-of-way shall be aligned at 90 degrees or as close to 90 degrees as possible to the railroad track being crossed, and shall be located where approach grades to the crossing are minimal and where the vision of a person operating a snowmobile will be unobstructed as he or she approaches the railroad tracks. The design of the snowmobile trail, including the location of signing, shall be included upon plan sheets by the person constructing, operating, and maintaining the trail, and shall be approved in writing by the person owning the right-of-way and the person operating the railroad. Signing shall conform to specifications issued by the department to its snowmobile trail grant program sponsors.
- (6) Notwithstanding section 82101, as used in this section, "operate" means to cause to function, run, or manage.
- (7) A person shall not alter, deface, damage, or remove a snowmobile trail sign or control device.
- (8) Each person who participates in the sport of snowmobiling accepts the risks associated with that sport insofar as the dangers are obvious and inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with signs, fences, or other snowmobiles or snow-grooming equipment. Those risks do not include injuries to persons or property that can result from the use of a snowmobile by another person in a careless or negligent manner likely to endanger person or property. When a snowmobile is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of snowmobiling additionally assumes risks including, but not limited to, entanglement with tracks, switches, and ties and collisions with trains and other equipment and facilities.
- (9) A person who violates subsection (2) is responsible for a state civil infraction and shall be ordered to pay a civil fine of not less than \$100.00 or more than \$250.00.

460.1147 Wind energy resource zone; designation; creation; preparation of order; report.

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- (4) In conjunction with the issuance of its order under subsection (1), the commission shall submit to the legislature a report on the effect that setback requirements and **noise** limitations under local zoning or other ordinances may have on wind energy development in wind energy resource zones. The report shall include any recommendations the commission may have for

legislation addressing these issues. Before preparing the report, the commission shall conduct hearings in various areas of the state to receive public comment on the report.

560.109 Approval or disapproval of proposed division; requirements; exemption from platting requirements; notice of transfer; form; sale of unplatted land; statement contained in deed; ordinance; approval not determination of compliance.

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(4) All deeds for parcels of unplatted land within the state of Michigan after the effective date of this act shall contain the following statement: "This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate **noise**, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act."

560.226 Trial and hearing; order to vacate, correct, or revise recorded plat; exceptions; plat recording resulting in loss of public access to lake or stream; reservation of easement; operation and maintenance of property by state or local unit; effect of noncompliance with subsection (4); closure of road ending; proceedings.

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(4) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (2), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue **noise**, and congestion as necessary.

600.1701 Neglect or violation of duty or misconduct; power to punish by fine or imprisonment.

The supreme court, circuit court, and all other courts of record, have power to punish by fine or imprisonment, or both, persons guilty of any neglect or violation of duty or misconduct in all of the following cases:

- (a) Disorderly, contemptuous, or insolent behavior, committed during its sitting, in its immediate view and presence, and directly tending to interrupt its proceedings or impair the respect due to its authority.
- (b) Any breach of the peace, **noise**, or disturbance directly tending to interrupt its proceedings.

600.2918 Damages for forcible entry and detainer; damages for unlawful interference with possessory interest; action for possession; claim for injunctive relief; joinder; waiver; limitations.

(1) Any person who is ejected or put out of any lands or tenements in a forcible and unlawful manner, or being out is afterwards held and kept out, by force, if he prevails, is entitled to recover 3 times the amount of his actual damages or \$200.00, whichever is greater, in addition to recovering possession.

(2) Any tenant in possession of premises whose possessory interest has been unlawfully interfered with by the owner, lessor, licensor, or their agents shall be entitled to recover the amount of his actual damages or \$200.00, whichever is greater, for each occurrence and, where possession has been lost, to recover possession. Unlawful interference with a possessory interest shall include:

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(g) Introduction of **noise**, odor or other nuisance.

691.1542 Sport shooting ranges; civil liability or criminal prosecution; state rules or regulations.

(1) Notwithstanding any other provision of law, and in addition to other protections provided in this act, a person who owns or operates or uses a sport shooting range that conforms to generally accepted operation practices in this state is not subject to civil liability or criminal prosecution in any matter relating to **noise** or **noise pollution** resulting from the operation or use of the range if the range is in compliance with any **noise** control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(2) In addition to other protections provided in this act, a person who owns, operates, or uses a sport shooting range that conforms to generally accepted operation practices is not subject to an action for nuisance, and a court of the state shall not enjoin or restrain the use or operation of a range on the basis of **noise** or **noise** pollution, if the range is in compliance with any **noise** control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(3) Rules or regulations adopted by any state department or agency for limiting levels of **noise** in terms of decibel level which may occur in the outdoor atmosphere do not apply to a sport shooting range exempted from liability under this act. However, this subsection does not restrict the application of any provision of the generally accepted operation practices.

691.1544 Acceptance of risk.

Each person who participates in sport shooting at a sport shooting range that conforms to generally accepted operation practices accepts the risks associated with the sport to the extent the risks are obvious and inherent. Those risks include, but are not limited to, injuries that may result from **noise**, discharge of a projectile or shot, malfunction of sport shooting equipment not owned by the shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.

750.167d Funeral, memorial service, or viewing; funeral procession; burial; prohibited conduct; violation; penalty.

(1) A person shall not do any of the following within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person is being conducted or within 500 feet of a funeral procession or burial:

(a) Make loud and raucous **noise** and continue to do so after being asked to stop.

750.243a Definitions; prohibited sales and conduct; fireworks for which permit not required.

(1) As used in this chapter:

(a) "Fireworks" means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks includes class B fireworks and class C fireworks.

(b) "Class B fireworks" means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs

containing expelling charges but without bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices.

(c) “Class C fireworks” means toy smoke devices, toy caps containing not more than .25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick **noise makers**, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, explosive auto alarms, and other similar devices.

752.525 Religious meeting, disturbance, carrying on certain business within two miles, obstruction of highway; prohibited acts.

No person shall willfully disturb, interrupt, or disquiet any assembly of people met for religious worship, by profane discourse, by rude and indecent behavior, or by making a **noise** either within the place of worship, or so near it as to disturb the order and solemnity of the meeting; nor shall any person within 2 miles of the place where any religious society shall be actually assembled for religious worship, expose to sale or gift, any ardent or distilled liquors, wine, beer, cider, fruit, or any other article of food or merchandize, or keep open any huxter shop in any other place, inn, stand or grocery, than such as shall be, or have been duly licensed, or in which such person shall have usually carried on such business; nor shall any person within the distance aforesaid, exhibit any shows, or plays, unless the same shall have been duly licensed by the proper authority; nor shall any person within the distance aforesaid, promote, aid, or be engaged in any racing of any animals, or in any gaming of any description; nor shall any person obstruct the free passage of any highway to any place of public worship, within the distance aforesaid.

STATE TRANSPORTATION COMMISSION’S POLICY ON NOISE ABATEMENT

(GUIDANCE DOCUMENT 10136)

MICHIGAN DEPARTMENT OF TRANSPORTATION (PROCEDURES AND RULES FOR IMPLEMENTATION OF POLICY)

Federal environmental regulation 23 CFR 772 defines two types of projects. Type I is “a proposed federal or federal-aid highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes” (23 CFR 772.5[h]). If noise impacts are identified, noise abatement measures must be considered and implemented where reasonable and feasible. The Michigan Department of Transportation (MDOT) follows all Federal laws, regulations, and guidelines for Type I noise abatement.

Type II, or voluntary, abatement is a proposed federal or federal-aid highway project for noise abatement on an existing highway. This policy addresses Type II noise abatement to limit the intrusion of highway noise into adjacent residential areas to reasonably achievable levels consistent with the U.S. Department of Transportation’s Code of Federal Regulations (CFR), and taking into consideration MDOT’s life-cycle cost analysis and safety requirements, as well as other technical and financial implications. To achieve this objective the Michigan State Transportation Commission (Commission) supports the following four approaches to alleviate traffic noise impacts:

1. **Reduction of Noise at the Source.** Reduction of traffic noise by design or treatment of the road surface is the most cost-effective noise control available to MDOT. Within the group of noise abatements that are reasonable and feasible under 23 CFR 772, and after MDOT's life-cycle cost analysis has selected a pavement type and other technical and financial constraints, MDOT will use the quietest surface texture available when repaving/reconstructing a freeway in residential areas.

2. **Noise Abatement.** MDOT will attempt to locate, design, construct and operate state highways to minimize the intrusion of traffic noise into adjacent areas. When noise impacts occur, they may be attenuated by the most reasonable and prudent means. MDOT will construct Type II sound walls only in years when MDOT's Road and Bridge Program, excluding maintenance, exceeds \$1.0 billion, adjusted to the Consumer Price Index (CPI) using 2002 as the base year. MDOT will not spend more than one half of one percent of the budget on sound walls. MDOT will give priority to those communities where the freeway was constructed through an existing neighborhood and where 80 percent or more of the existing residential units were there prior to the construction of the freeway. Communities must make application to MDOT and provide a local match of 10 percent of the cost of the sound wall.

3. **Encouraging Compatible Adjacent Land Use.** Cities and counties have the power to control development by adoption of land-use plans and zoning, and by subdivision, building or housing regulations. The Commission encourages those who plan and develop land, and local governments controlling development or planning land use near known freeway locations, to exercise their powers and responsibility to minimize the effect of highway vehicle noise through appropriate land-use control. Where such land-use regulations are not in place, cities, townships and counties will not be eligible for MDOT noise mitigation assistance.

4. **Noise Abatement by Others.** The Commission encourages developers and local governments to coordinate their efforts to mitigate highway noise. This effort must be done without encroachment of MDOT's property right-of-way unless it is determined to be necessary, and authority granted to permit others to construct a sound barrier in the state's right-of-way. The barrier's design must meet MDOT's geometric, structural, safety and maintenance standards. MDOT shall assume no review authority or responsibility of any kind for the structural integrity or the effectiveness of a sound barrier constructed by others. MDOT will monitor noise mitigation best practices in other states and provide an activity report to the Commission annually. The Department shall develop instructions for the implementation of this policy.

PROCEDURES AND RULES FOR IMPLEMENTATION OF STATE TRANSPORTATION COMMISSION POLICY 10136: NOISE ABATEMENT

The following contains the procedures and rules for implementation of the Michigan Department of Transportation (MDOT) Commission Policy 10136, dated July 31, 2003. These rules are based on the Federal Highway Administration's (FHWA) *Highway Traffic Noise Analysis and Abatement Policy and Guidance* document of June 1995.

Definitions

Application

The request for Type II noise abatement.

Benefiting Dwelling Unit

A dwelling unit receiving 5 dBA Leq noise reduction or more.

Date of Public Knowledge

The date that the freeway construction project's final environmental analysis and documentation (i.e., Categorical Exclusion [CE], Finding of No Significant Impact [FONSI], or Record of Decision [ROD]) was approved by FHWA).

dBA

An A-weighted sound level on the logarithmic scale.

Dwelling Unit

Any room or set of rooms used as a living space by one or more persons. Public use areas such as parks, schools, libraries, and churches shall be counted as 10 dwelling units for each occurrence when they are within or adjacent to residential dwelling unit boundaries.

Feasible

This term refers to engineering considerations, such as can a noise barrier be built given the topography of the location; can a substantial noise reduction be achieved given certain access, drainage, safety, or maintenance requirements; are other noise sources present in the area? While every reasonable effort should be made to obtain a substantial noise reduction, a noise abatement measure is not feasible if it cannot achieve at least a 5 dBA noise reduction.

Leq

The ambient or steady state sound level. An averaging technique is used to produce an equivalent continuous sound level, Leq. For example, if a one hour sound measurement were taken and all the higher levels that occurred were used to fill in all the lower levels so the sound level would be the same for the whole hour, the result would be an equivalent sound level for one hour or Leq 1 h.

Noise Abatement Criteria (NAC)

See Appendix A.

Noise Impact

Where noise levels are one dBA below or greater than the federal noise abatement criteria, as shown in Appendix A, or are expected to increase 10 dBA above existing noise levels for existing conditions, as measured with a sound level meter.

Planned Development

A planned, designed, and programmed development where a building permit has been issued.

Reasonable

A noise mitigation project will be considered reasonable if the comparative construction cost will be \$41,208 or less per benefiting dwelling unit. Additionally, the local jurisdiction(s) must have entered into the required agreements with MDOT regarding maintenance, land use policy, and funding participation. A majority of the affected residents must be in favor of abatement.

If during final design, the project cost becomes not reasonable (construction costs exceed the total benefited amount of \$41,208 per unit), the local jurisdiction(s) will be asked if they wish to increase their financial participation in the noise abatement project to cover the excess cost per dwelling unit (the amount over \$41,208 per unit), or have noise abatement dropped from further consideration.

Substantial Noise Reduction

A ten dBA Leq sound level reduction for at least one receptor.

Type I Projects

A Type I project is a proposed federal-aid project for the construction of a highway on a new location or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes. State highway

agencies are then required by federal regulations to perform a noise analysis and mitigate noise impacts where feasible and reasonable.

Type II Projects

A Type II project is a federal-aid project for noise abatement along existing highways at residential locations that were in existence prior to November 28, 1995. The following conditions must exist:

- Eighty percent of the dwelling units within 500 feet of a limited access highway preceded the highway or the last pre-1995 major capacity improvement.
- Zoning and building regulations are in place to preclude future noise abatement needs.
- The majority of the residents are in favor of noise abatement.

If noise abatement measures were previously determined to be unreasonable or unfeasible as part of a Type I project, the application will not be considered. Participation by MDOT is subject to State Transportation Commission Policy 10136, dated July 31, 2003.

Type I Projects Procedures and Rules

1. For a proposed highway project, a traffic noise analysis will be performed to determine if noise abatement is feasible and reasonable for developed land, undeveloped lands at planned development locations, and for local community land use planning.
2. Public meetings will be advertised in local news media and held in local facilities during the route location and planning stages of a roadway or the physical alteration of an existing highway that significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes, for the purpose of discussing the present and future environmental, social and economic impacts.
3. Comments on noise concerns will be solicited at public meetings from local residents, and officials of the jurisdiction(s) affected by the project. MDOT will use this information to draft the final environmental document. Once the final environmental document (i.e. CE, FONSI, or ROD) is approved by the FHWA, it is distributed to the local officials affected by the project to notify them of location approval. The FHWA approval date is the date of public knowledge.
4. If during final design the noise mitigation project is determined to be not reasonable, the local jurisdiction(s) will be asked if they wish to increase their financial participation in the noise abatement portion of the project to cover the cost per residence by the amount greater than \$41,208 as set forth in this document, or have noise abatement dropped from further consideration.
5. Noise abatement will only be provided when feasible and reasonable for residential land use locations, public land use (parks), and non-profit institutional facilities such as hospitals, libraries, schools, and churches. (Public use facilities will be equated to ten dwelling units each.)
6. All sites will be considered. However, it is generally known that commercial and industrial sites prefer that there be no interference with the view to their establishments. Therefore, when commercial and residential sites expected to convert to a commercial or industrial land use (e.g., some of the residential units have converted to commercial/industrial, or the area has been rezoned commercial) are found to be reasonable and feasible, they will be asked if they want noise abatement. If they do not want it, it will not be provided.
7. Where negative noise impacts are expected to occur, noise abatement will be considered and will be implemented if found feasible and reasonable for existing developments, and future developments were approved before the date of public knowledge. After the date of public knowledge, MDOT will not be responsible for providing noise abatement for new developments.

The provision of noise abatement for new developments becomes the responsibility of local governments and private developers.

8. All noise abatement will follow MDOT design standards.

9. MDOT will maintain the structural integrity of the noise abatement structure and will be responsible for the aesthetic condition of the structure on the freeway side only. The exception being that when the structure is on the residential side of a service road, MDOT will maintain the structural integrity for five years, but will not be responsible for either side of structure's aesthetic condition, including the surrounding grounds.

10. Local authorities must agree, through agreements, resolutions, or ordinances, to provide:

- A share of the state and local funding based on population (per State of Michigan Act 51).
- Aesthetic maintenance on the residential side of the structure, or on both sides when the structure is on the residential side of a service road.
- Structural maintenance after five years when the structure is on the residential side of a service road.

Explanation of bullets two and three: These statements have been included because there is no right of way access to these walls for maintenance purposes. Failure to meet all of the above requirements will make the noise abatement project unreasonable.

11. Where an extreme noise impact is identified (80 dBA Leq or greater), special consideration may be warranted. These sites will be considered on an individual basis.

12. The type of noise abatement feature must provide the benefiting dwellings with a reduction of 5 dBA Leq.

Type II Project Procedures and Rules

1. Applications (available at <http://www.mdot.state.mi.us/webforms/public/1871.pdf>) for Type II noise abatement projects will be considered by MDOT for each fiscal year when the road and bridge program exceeds \$1 billion, excluding routine maintenance. Applications must be renewed annually.

2. MDOT will analyze the area to determine the number of dwelling units impacted per guidelines defined in this document and estimate the cost of noise abatement. MDOT will furnish results of all noise analyses to local authorities.

3. A prioritized eligibility list will be developed using the following formula to rank sites for consideration.

dBA above the NAC (see Appendix A) X number of impacted dwelling units

4. MDOT will develop noise abatement projects for the highest priority locations from the above annual list, within available funding limitations.

5. All noise abatement will follow MDOT design standards. Noise abatement will be provided along the shoulder only where a roadside barrier would otherwise be present.

6. MDOT will maintain the structural integrity of the noise abatement structure and will be responsible for the aesthetic condition of the structure on the freeway side only. The exception being that when the structure is on the residential side of a service road, MDOT will maintain the structural integrity for five years, but will not be responsible for either side of the structure's aesthetic condition.

7. If the project meets MDOT policy criteria, based on total project cost estimates, then local authorities, through agreements, resolutions, and/or ordinances, must agree to provide:

- Ten percent of the cost of the noise abatement at the time of construction.

- Aesthetic maintenance on the residential side of the structure or both sides when structure is on the residential side of a service road.
- Structural maintenance after five years when the structure is on the residential side of a service road.
- Have compatible land use zoning and/or building regulations in place precluding future noise abatement needs.

Failure to meet all of the above requirements will make the noise abatement project unreasonable.

APPENDIX A

Noise Abatement Criteria (NAC)¹			
Hourly A-Weighted Sound Level - decibels (dBA)*			
Activity Category	Leq(h)	L10(h)	Description of Activity Category
A	57 (Exterior)	60 (Exterior)	Lands of which serenity and quiet are of extraordinary significance, serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	70(Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	75 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above.
D	--	--	Undeveloped lands.
E	52 (Interior)	55 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.
* Either L10 (h) or Leq(h), but not both, may be used on a project.			