

0-01-26

AN ORDINANCE

of the City Council of the City of Berkley, Michigan, to amend Section 74-1 through 74-12 of Chapter 74, Noise, of the Berkley City Code to allow for the regulation of sound and sound emitting devices by providing specific definitions and measurable decibel and sound pressure levels, and to remove and modify redundant language and provisions.

THE CITY OF BERKLEY ORDAINS:

CHAPTER 74 – NOISE

ARTICLE I - AMENDMENT

Sec. 74-1 – Prohibition generally - shall be re-titled Definitions and shall be amended to read as follows:

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial area means any parcel of land zoned Community Centerpiece, Downtown, Flex, Gateway Corridor, Woodward Corridor, or Cemetery.

Decibel (dB) means a unit measure of sound level.

Residential area means any parcel of land zoned R-1AB, R-1CD, R-2, R-M, R-M-H.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter. Audible sound occurs over a wide frequency range, from approximately twenty (20) Hertz (Hz) to twenty thousand (20,000) Hz. Human hearing responds differently to lower frequency (pitch) sounds, so they sound equally as loud as higher frequency sounds with a much higher decibel level. To account for this variation in frequency and sensitivity of human hearing, a weighting is applied to sound level measurements, called A-weighted decibels, or dB(A).

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound Levels by Receiving Land Use		
Receiving Land Use Zoning	Time	Sound Level Limit (db(A))
Residential	11:00pm-7:00am	60dba
	7:00am-11:00pm	70dba
Commercial	11:00pm-7:00am	60dba
	7:00am-11:00pm	80dba

Sec. 74-2. - Exceptions to chapter provisions.

None of the terms or prohibitions of this chapter will apply to or be enforced against:

- (1) Emergency vehicles. Any police or fire vehicle or any ambulance while engaged upon emergency business; and
- (2) Highway maintenance and construction. Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.
- (3) Equipment operations. Operation, between 7:00am and 9:00pm, of power equipment that does not produce a sound level exceeding 100 db(A) at or beyond the property line of the property on which the equipment is operated.

Sec. 74-3 - Shouting and whistling - shall be deleted in its entirety.

Sec. 74-4. - Radio and musical instruments - shall be deleted in its entirety.

Sec. 74-5. - Horns and signal devices - shall be deleted in its entirety.

Sec. 74-6. - Engine exhausts – shall be renumbered Sec. 74-3 and read as follows:

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, is prohibited.

Sec. 74-7. - Handling merchandise - shall be deleted in its entirety.

Sec. 74-8. - Whistle or siren - shall be deleted in its entirety

Sec. 74-9. – Blowers - shall be deleted in its entirety”.

Sec. 74-10. – Construction – shall be renumbered Sec. 74-4 and read as follows:

The erection (including excavating therefor), demolition, alteration or repair of any building and the excavation of streets, highways and public or private areas is prohibited on Sundays except between the hours of 9:00 a.m. and 6:00 p.m., and is prohibited other days except between the hours of 7:00 a.m. and 6:00 p.m. unless a permit is first obtained from the city manager.

Sec. 74-11. - Sound amplifiers - shall be deleted in its entirety.

Sec. 74-12. - Volume of radios and televisions - shall be deleted in its entirety.

ARTICLE II – SEVERABILITY.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

ARTICLE III - EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

ARTICLE IV: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect

ARTICLE V: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Berkley City Council at a meeting thereof duly called and held on the 16th day of March, 2026, and ordered to be given publication in the manner prescribed by the law.

BY:

BY:
