



Pamela Colestock – *Mayor*  
William Steele – *Mayor Pro Tem*  
Deb Malewski – *Council Member*  
Rick Loftus – *Council Member*  
Ken Nicholas – *Council Member*

Yvonne Ridge – *City Manager*  
Larry Joe Weeks – *Police Chief*  
Roger McNutt – *Fire Chief*  
LeRoy Hummel – *Building Official*  
Rob Pierce – *Public Works/Utilities Director*  
Genny Allen – *Treasurer/Finance Director*  
Robin Webb – *City Clerk*  
Corey Cagle – *Director of Parks, Recreation and Events*  
Lisa Barna – *Community and Economic Development Specialist*  
Randy Jewell – *City Assessor*  
Cullen Harkness – *City Attorney*

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## **CITY OF EATON RAPIDS WORK SESSION AGENDA**

June 24, 2024  
5:00 pm  
200 S. Main Street

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This meeting will be streamed live for viewing only at:

<https://us06web.zoom.us/j/85394331944>

Meeting ID: 853 9433 1944

*Please note all public comments must be made in person.*

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### **Call To Order**

### **Public Comments**

### **Unfinished and Special Business**

### **New Business**

- 1. Financial Update FY 2023/2024**
- 2. Noise Ordinance Discussion**
- 3. Department Head Updates**
- 4. Mayor Exchange-City of Grosse Pointe Discussion**
- 5. Budget Amendment Fiscal Year 23/24 (Motor Pool)**
- 6. Budget Amendment Fiscal Year 24/25 (DDA)**

**Closed Session to consult with an attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on Municipality's litigating or settlement position. (MCL 15268(e))**

### **Public Comments**

### **Adjourn**

**CITY OF EATON RAPIDS**  
**Financial Statement for Year to Date**  
**May 31, 2024**

<b>Fund 101 - GENERAL FUND</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
<b>Revenues</b>			
TAXES	\$1,076,913.00	\$1,280,607.49	\$203,694.49
INTERGOVERNMENTAL	\$854,792.00	\$928,428.04	\$73,636.04
CHARGES FOR SERVICES	\$948,297.00	\$958,768.32	\$10,471.32
INTEREST	\$2,000.00	\$2,115.36	\$115.36
OTHER	\$40,100.00	\$40,677.02	\$577.02
TRANSFERS IN	\$10,000.00	\$10,000.00	\$0.00
USE OF RESERVES	\$0.00	\$0.00	\$0.00
<b>TOTAL REVENUES</b>	<b>\$ 2,932,102</b>	<b>\$ 3,220,596</b>	<b>109.84%</b>
<b>DEPARTMENT</b>			
Dept 101 - CITY COUNCIL	\$54,323.00	\$35,011.49	(\$19,311.51)
Dept 172 - CITY MANAGER	\$80,379.00	\$62,576.60	(\$17,802.40)
Dept 215 - CITY CLERK	\$122,484.00	\$67,870.98	(\$54,613.02)
Dept 247 - BOARD OF REVIEW	\$1,000.00	\$995.03	(\$4.97)
Dept 253 - CITY TREASURER	\$187,522.00	\$227,346.64	\$39,824.64
Dept 257 - CITY ASSESSOR	\$36,600.00	\$39,176.78	\$2,576.78
Dept 262 - ELECTIONS	\$32,098.00	\$14,536.53	(\$17,561.47)
Dept 265 - BUILDING & GROUNDS	\$25,000.00	\$19,983.51	(\$5,016.49)
Dept 276 - CEMETERY	\$143,195.00	\$127,159.72	(\$16,035.28)
Dept 299 - COMMUNITY AND ECONOMIC DEVELOPMENT	\$41,847.00	\$53,566.28	\$11,719.28
Dept 301 - POLICE DEPARTMENT	\$1,350,124.00	\$1,063,954.44	(\$286,169.56)
Dept 336 - FIRE DEPARTMENT	\$306,197.00	\$223,689.02	(\$82,507.98)
Dept 371 - BUILDING DEPARTMENT	\$3,794.00	\$5,651.15	\$1,857.15
Dept 441 - PUBLIC WORKS	\$562,093.00	\$396,313.80	(\$165,779.20)
Dept 445 - STORM SEWERS	\$8,198.00	\$3,135.26	(\$5,062.74)
Dept 651 - AMBULANCE	\$36,291.00	\$21,981.00	(\$14,310.00)
Dept 721 - PLANNING COMMISSION	\$3,500.00	\$1,240.00	(\$2,260.00)
Dept 722 - ZONING BOARD OF APPEALS	\$850.00	\$0.00	(\$850.00)
Dept 790 - LIBRARY	\$7,524.00	\$570.00	(\$6,954.00)
Dept 901 - CAPITAL OUTLAY	\$170,000.00	\$0.00	(\$170,000.00)
Dept 999 - FUND BALANCE (TRANSFERS OUT)	\$165,713.00	\$165,713.00	\$0.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 3,338,732</b>	<b>\$ 2,530,471</b>	<b>75.79%</b>
<b>NET OF REVENUES/EXPENDITURES</b>	<b>(\$406,630.00)</b>	<b>\$ 690,125</b>	
Beginning Fund Balance		\$2,287,848.00	
Ending Fund Balance		\$2,977,973.00	

**CITY OF EATON RAPIDS**  
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<b>Fund 150 - CEMETERY PERPETUAL CARE FUND</b>	2023-2024	2023-2024	VARIANCE
	BUDGET	YTD ACTIVITY	
TOTAL REVENUES	\$5,000.00	\$5,000.00	\$0.00
TOTAL EXPENDITURES	\$10,000.00	\$10,000.00	\$0.00
NET OF REVENUES/EXPENDITURES	(\$5,000.00)	(\$5,000.00)	
Beginning Fund Balance		\$68,453.00	
Ending Fund Balance		\$63,453.00	

<b>Fund 202 - MAJOR STREET FUND</b>	2023-2024	2023-2024	VARIANCE
	BUDGET	YTD ACTIVITY	
TOTAL REVENUES	\$531,500.00	\$476,298.09	(\$55,201.91)
TOTAL EXPENDITURES	\$219,250.81	\$187,121.18	(\$32,129.63)
NET OF REVENUES/EXPENDITURES	\$312,249.19	\$289,176.91	
Beginning Fund Balance		\$1,222,817.00	
Ending Fund Balance		\$1,511,993.91	

<b>Fund 203 - LOCAL STREET FUND</b>	2023-2024	2023-2024	VARIANCE
	BUDGET	YTD ACTIVITY	
TOTAL REVENUES	\$187,500.00	\$166,627.00	(\$20,873.00)
TOTAL EXPENDITURES	\$187,500.00	\$52,544.42	(\$134,955.58)
NET OF REVENUES/EXPENDITURES	\$0.00	\$114,082.58	
Beginning Fund Balance		\$729,243.00	
Ending Fund Balance		\$843,325.58	

**CITY OF EATON RAPIDS**  
**Financial Statement for Year to Date**  
**May 31, 2024**

<b>Fund 204 - COUNTY ROAD FUND</b>	2023-2024	2023-2024	
	BUDGET	YTD ACTIVITY	VARIANCE
TOTAL REVENUES	\$167,000.00	\$42,142.00	(\$124,858.00)
TOTAL EXPENDITURES	\$181,298.00	\$181,298.00	\$0.00
NET OF REVENUES/EXPENDITURES	(\$14,298.00)	(\$139,156.00)	
Beginning Fund Balance		\$216,922.00	
Ending Fund Balance		\$77,766.00	

<b>Fund 207 - ACT 302 FUND</b>	2023-2024	2023-2024	
	BUDGET	YTD ACTIVITY	VARIANCE
TOTAL REVENUES	\$1,330.00	\$2,658.52	\$1,328.52
TOTAL EXPENDITURES	\$1,330.00	\$0.00	(\$1,330.00)
NET OF REVENUES/EXPENDITURES	\$0.00	\$2,658.52	
Beginning Fund Balance		\$24,141.00	
Ending Fund Balance		\$26,799.52	

<b>Fund 208 - PARK/RECREATION FUND</b>	2023-2024	2023-2024	
	BUDGET	YTD ACTIVITY	VARIANCE
TOTAL REVENUES	\$272,367.00	\$323,816.73	\$51,449.73
TOTAL EXPENDITURES	\$310,874.00	\$336,676.35	\$25,802.35
NET OF REVENUES/EXPENDITURES	(\$38,507.00)	(\$12,859.62)	
Beginning Fund Balance		\$55,223.00	
Ending Fund Balance		\$42,363.38	

**CITY OF EATON RAPIDS**  
**Financial Statement for Year to Date**  
**May 31, 2024**

<b>Fund 218 - RENTAL INSPECTION PROGRAM</b>	2023-2024	2023-2024	
	BUDGET	YTD ACTIVITY	VARIANCE
TOTAL REVENUES	\$2,500.00	\$37,850.00	\$35,350.00
TOTAL EXPENDITURES	\$28,491.00	\$14,208.22	(\$14,282.78)
NET OF REVENUES/EXPENDITURES	(\$25,991.00)	\$23,641.78	
Beginning Fund Balance		\$45,721.00	
Ending Fund Balance		\$69,362.78	

<b>Fund 220 - CURB GRANT</b>	2023-2024	2023-2024	
	BUDGET	YTD ACTIVITY	VARIANCE
TOTAL REVENUES	\$7,000.00	\$7,000.00	\$0.00
TOTAL EXPENDITURES	\$7,000.00	\$2,988.75	(\$4,011.25)
NET OF REVENUES/EXPENDITURES	\$0.00	\$4,011.25	
Beginning Fund Balance		\$0.00	
Ending Fund Balance		\$4,011.25	

<b>Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY</b>	2023-2024	2023-2024	
	BUDGET	YTD ACTIVITY	VARIANCE
TOTAL REVENUES	\$95,940.00	\$95,583.67	(\$356.33)
TOTAL EXPENDITURES	\$149,517.00	\$103,519.58	(\$45,997.42)
NET OF REVENUES/EXPENDITURES	(\$53,577.00)	(\$7,935.91)	
Beginning Fund Balance		\$53,772.00	
Ending Fund Balance		\$45,836.09	

**CITY OF EATON RAPIDS**  
**Financial Statement for Year to Date**  
**May 31, 2024**

<b>Fund 249 - BUILDING INSPECTION FUND</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
TOTAL REVENUES	\$114,813.00	\$154,678.93	\$39,865.93
TOTAL EXPENDITURES	\$180,465.00	\$138,599.22	(\$41,865.78)
NET OF REVENUES/EXPENDITURES	(\$65,652.00)	\$16,079.71	
Beginning Fund Balance		\$77,125.00	
Ending Fund Balance		\$93,204.71	

<b>Fund 280 - INDUSTRIAL PARK FUND</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
TOTAL REVENUES	\$256,594.00	\$101,108.60	(\$155,485.40)
TOTAL EXPENDITURES	\$348,357.00	\$286,626.19	(\$61,730.81)
NET OF REVENUES/EXPENDITURES	(\$91,763.00)	(\$185,517.59)	
Beginning Fund Balance		\$1,358,437.00	
Ending Fund Balance		\$1,172,919.41	

<b>Fund 301 - GENERAL DEBT SERVICE (VOTED BONDS)</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
TOTAL REVENUES	\$585,324.00	\$648,022.31	\$62,698.31
TOTAL EXPENDITURES	\$585,324.00	\$567,661.94	(\$17,662.06)
NET OF REVENUES/EXPENDITURES	\$0.00	\$80,360.37	
Beginning Fund Balance		\$1,061,192.00	
Ending Fund Balance		\$1,141,552.37	

**CITY OF EATON RAPIDS**  
**Financial Statement for Year to Date**  
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<b>Fund 598 - ELECTRIC UTILITIES</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
TOTAL REVENUES	\$12,158,350.00	\$9,024,077.56	(\$3,134,272.44)
TOTAL EXPENDITURES	\$11,236,052.18	\$8,808,101.28	(\$2,427,950.90)
NET OF REVENUES/EXPENDITURES	\$922,297.82	\$215,976.28	
Beginning Fund Balance		\$11,988,093.00	
Ending Fund Balance		\$12,204,069.28	

<b>Fund 590 - SEWER</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
TOTAL REVENUES	\$1,296,383.00	\$1,451,322.51	\$154,939.51
TOTAL EXPENDITURES	\$648,495.87	\$1,110,247.74	\$461,751.87
NET OF REVENUES/EXPENDITURES	\$647,887.13	\$341,074.77	
Beginning Fund Balance		\$1,925,281.00	
Ending Fund Balance		\$2,266,355.77	

<b>Fund 591 - WATER</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD ACTIVITY</b>	<b>VARIANCE</b>
TOTAL REVENUES	\$908,000.00	\$907,503.15	(\$496.85)
TOTAL EXPENDITURES	\$966,170.35	\$702,691.75	(\$263,478.60)
NET OF REVENUES/EXPENDITURES	(\$58,170.35)	\$204,811.40	
Beginning Fund Balance		\$1,465,130.00	
Ending Fund Balance		\$1,669,941.40	

**CITY OF EATON RAPIDS**  
**Financial Statement for Year to Date**  
**May 31, 2024**

<b>Fund 611 - MOTOR POOL FUND</b>	<b>2023-2024</b>	<b>2023-2024</b>	
	<b>BUDGET</b>	<b>YTD</b>	<b>VARIANCE</b>
		<b>ACTIVITY</b>	
<b>TOTAL REVENUES</b>	<b>\$164,000.00</b>	<b>\$477,552.00</b>	<b>\$313,552.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$186,000.00</b>	<b>\$495,054.68</b>	<b>\$309,054.68</b>
<b>NET OF REVENUES/EXPENDITURES</b>	<b>(\$22,000.00)</b>	<b>(\$17,502.68)</b>	
Beginning Fund Balance		\$717,196.00	
Ending Fund Balance		\$699,693.32	



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MEETING DATE: 6/24/2024

CITY MANAGER

To: Mayor and City Council

Work Session

From: Yvonne Ridge, City Manager & LeRoy Hummel, Builder Official

Regular Meeting

Submitted: 6/20/2024

Subject: Noise Ordinance Review

### SUMMARY

This is a draft of revisions to the City Noise Ordinance. This is the beginning of many changes. The purpose of providing is to receive feedback from Council as we move forward. The Noise Ordinance will remain on the work agenda until it is ready for a first reading of the ordinance at council.

### STAFF RECOMMENDATION/MOTION

Discussion

### LIST OF SUPPORTING DOCUMENTS

Section 18.72 Performance Standards

Section 15-26 Loud Noises Prohibited

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## Sec. 18.72. Performance Standards.

Any use permitted by this Ordinance, including conditional uses, is subject to compliance with the performance standards set forth in this section. No use hereafter established shall exceed the limits set forth in this section, except as provided in this Ordinance.

- A. *Noise.* No operation or activity shall be carried out in any zoning district, which operation or activity causes or creates measurable noise levels exceeding the maximum sound pressure levels described in this section, as measured on or beyond the boundary lines of such district. Sound measurements shall be made with industry accepted equipment and methodology.
1. The maximum permitted sound pressure levels, in decibels, are as follows:  
  
Noise levels shall not exceed ~~sixty (60)~~ **seventy five (75)** decibels measured at the property line during the hours of 7:00 a.m. through 9:00 p.m. and shall not exceed ~~forty five (45)~~ **sixty five (65)** decibels during the hours of 9:00 p.m. through 7:00 a.m.
- B. *Dust, soot, dirt, fly ash, and products of wind erosion.* No person shall operate or cause to be operated or maintained any process for any purpose, a furnace or a combustion device for the burning of coal and/or natural or synthetic fuels without maintaining and operating while using the process, furnace, combustion device, recognized and approved equipment, means, methods, devices, or contrivances to reduce the quality of gas-borne or air-borne solids carried in fumes emitted, directly or indirectly, into the open air, to a concentration level (per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit) not exceeding two-tenths (0.20) grains. These standards are not intended to apply to residential uses, such as chimneys for fireplaces or wood/coal burning stoves.
- C. *Smoke.* No person shall discharge into the atmosphere, from any single source of emission, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, any smoke of a density or equivalent capacity which exceeds for any period of time, the density designated as No. 1 on the Ringelmann Chart or twenty (20) per cent opacity, which is hereby incorporated into this Ordinance by reference, except when the emission consists only of water vapors, or the shade, or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods aggregating four (4) minutes in any thirty (30) minutes.
- D. *Vibration.* Machines or operations which cause vibration shall be permitted, but no operations shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following tables and/or as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer, preferably the former.
1. The maximum permitted steady state vibration, in inches, is as follows:

Frequency (Cycles per second)	Permitted Vibration
10 and below	0.0010
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

2. The maximum permitted impact vibration, in inches, is as follows:

Frequency (Cycles per second)	Permitted Vibration
10 and below	0.0020
10 to 19	0.0015
20 to 29	0.0010
30 to 39	0.0005
40 and above	0.0002

Between 8:00 p.m. and 6:00 a.m. of the following day, all maximum vibration levels, as measured at the boundary line of residentially used areas adjacent to non-residentially zoned districts, shall be reduced to one-half (½) the indicated permissible values by those activities causing the vibration.

- E. *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- F. *Glare, heat, and light.* Any operation producing intense glare or heat (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be preformed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines and as not to create a public nuisance or hazard along such lot lines, except during the period of construction of the facilities to be used and occupied. Bare bulbs in or near a residentially used area shall be not greater than ten (10) watts. Within five hundred (500) feet of a residentially zoned area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case, shall more than one (1) footcandle power of light cross a lot line five (5) feet or more above the ground. In no case shall more than ten (10) footcandle power of light exist at any given point on site. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining business and industrial districts or the creation of a traffic hazard on public highways.
- G. *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives, ranging from free or active burning to intense burning, as determined by the fire chief, and highly toxic and highly radioactive materials shall comply with all state rules and regulations, regulations as established by the Fire Prevention Act, Act 207 of the Public Acts of 1941, as amended (MCLA 29.1 et seq.), the Flammable and Combustible Liquids Code (pursuant to Act 154 of the Public Acts of 1974, as amended, 29 CFR 1910.106, NfiPA prevention codes, and the requirements of the state fire marshal.

Further, such materials or products, if stored, utilized, or produced within completely enclosed buildings or structures, shall have incombustible exterior walls and meet the requirements of the applicable building code. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures.

Further, all exterior above-ground storage tanks for flammable liquid materials, liquefied petroleum gases, explosives, and highly toxic and highly radioactive materials shall be completely surrounded by earth embankments, dikes, and other types of retaining walls which will contain the total capacity of all tanks so enclosed. Below-ground bulk storage tanks of flammable liquids shall be located not closer to the property line than twice the depth to the bottom of the buried tank.

- H. *Open fires.* No person operating a permitted or conditional use shall cause to be burned any combustible refuse in an open outdoor fire.

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- I. *Sewage wastes.* Sewage wastes shall comply with the City of Eaton Rapids Code regarding sewer use and the performance measures established therein.
  - J. *Gases.* The escape or emission of any gas which is injurious, destructive, or explosive is unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of three-tenths (0.3) ppm; hydrogen sulfide shall not exceed one (1.0) ppm; fluorine shall not exceed one-tenth (0.1) ppm; nitrous fumes shall not exceed five (5.0) ppm; and carbon monoxide shall not exceed fifteen (15.0) ppm, all measured as the average intensity during any twenty-four (24) hour sampling period.
  - K. *Radio transmissions, explosives, and radioactive materials.* For electronic equipment required in an industrial operation, the equipment shall be shielded so that its operation will not interfere with radio, television, or other electronic equipment. All explosives and radioactive materials shall be stored and/or used in a manner which does not endanger abutting properties. Radioactive materials and wastes, and including electromagnetic radiation, such as X-ray machine operation, shall not be emitted to exceed quantities established as safe y the U.S. Bureau of Standards, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the federal government. Applicable regulations of the Federal Communications Commission regarding electromagnetic radiation are hereby incorporated into this Ordinance by reference.
  - L. *Drifting and air-borne matter.* The drifting or air-borne transmission beyond the lot line, of dust, particles, or debris from any open stockpile is unlawful and shall be summarily caused to be abated.
  - M. *Nuisances.* A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, or nuisance to the public, which endanger the comfort, repose, health, or safety of the public, or which cause or have natural tendency to cause injury or damage to business or property.
  - N. *Stormwater.* All stormwater generated by a use and/or structure shall be managed and discharged in accordance with all applicable local, state, federal, and county drain commission standards and requirements.

**Sec. 15-26. Loud noises prohibited.**

Definitions

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

Animal means any living creature other than human beings, including, but not limited to, reptiles, amphibians, insects, fish, birds and mammals.

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Audible means being heard or the capability of being heard by a person with ordinary hearing.

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Construction means any site preparation building assembly, building erection, building repair, building alteration, building maintenance, or similar action, but excludes demolition for or of public or private right-of-way, structures, utilities or similar property.

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dB(A) means the intensity of sound expressed in decibels read from calibrated sound level meter that utilizes the A-level weighing scale and the fast meter response, as specified by the American National Standard Institute (ANSI) S1.4-1971

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Decibel means a unit to express the magnitude of sound pressure and sound intensity, equal to 20 times the logarithm to the base then of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals.

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Emergency means any situation or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

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Emergency work means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an emergency following a public or private calamity or accident.

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Noise or noise disturbance means any sound that is more than the maximum decibel limits according to the regulations set forth in section 18-72 or which is loud, unnecessary, unusual, or unreasonable and which either annoys, disturbs injures or endangers the comfort, repose, health, peace or safety of person with normal sensitivities.

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Person means any individual, association, partnership or corporation, and includes any officer, employee, department, Agency or instrumentality of the state or any political subdivision thereof.

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(a) It shall be unlawful, and it shall be deemed a public nuisance, for any person to unreasonably make, continue, or cause to be made or continued any noise that annoys or disturbs the quiet, comfort, or repose of a reasonable person of normal sensitivities or that injures or endangers the health, peace, or safety of the public within the city. The following acts, among others, are declared to be unlawful noises in violation of this section and are deemed to be public nuisances per se, namely:

- (1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
- (2) *Construction noises.* Construction noises and the excavation of streets and highways, except between the hours of 7:00 a.m. and ~~8:00~~ 9:00 p.m.
- (3) *Engines and engine exhausts.* Operating or permitting the operation of any steam engine or internal combustion engine, or the discharge into the open air of the exhaust of any steam engine or internal combustion engine, whether stationary or mobile, so as to annoy or disturb the quiet, comfort, or repose of a person of normal sensitivities in any office, dwelling, hotel, hospital, or residence.

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- (4) *Handling merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
  - (5) *Blowers.* The noise created from the discharge into the open air from any blower or power fan unless the noise from the blower or fan is muffled sufficiently to deaden the noise.
  - (6) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner.
  - (7) *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 when reasonably applied as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to go into motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended.
  - (8) *Radio, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
  - (9) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public street, between the hours of 11:00 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 any persons in the vicinity.
- (b) None of the terms or prohibitions of subsection (a) shall apply to or be enforced against:
- (1) Any police or fire vehicle or any ambulance, while engaged in emergency business.
  - (2) Excavations or repairs of bridges, streets or highways by or on behalf of the city, county or the state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.
  - (3) Emergencies and or emergency work shall be excluded from this subsection upon authorization of the city.
- (c) The provisions of this section may be temporarily waived by the issuance of a special event permit approved by the city council.
- (d) The acts listed under subsection (a) shall be a non-exclusive and non-exhaustive list of nuisances per se for purposes of this section.

- (4) Noises usually created by industrial, manufacturing, assembly, electrical power plants and similar uses when located on property zoned industrial under city ordinance.
- (5) Noises usually created by agricultural operations, including animals, birds, etc., usually kept on property zoned agricultural under city ordinance.
- (6) Noises of public or governmental safety signals, warning devices, and emergency devices when used as intended for warnings in case of emergency or danger or when tested, and noises of all fire alarms.
- (7) Noises resulting from any authorized public service department responding to an emergency or acting in an emergency or while performing emergency work.
- (8) Noise resulting from the operation of snow removal equipment either public or private.
- (9) Any vehicle of the city while engaged upon necessary public business.

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(10) Noise caused by lawn mowing and garden equipment with mufflers between the hours of 7:00 a.m. and 10:00 p.m.

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(11) Athletic activities or events, including practices, conducted by or under the auspices of public or private schools.

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(12) The use for noncommercial purposes of one or more bells or chimes which does not exceed 90 seconds in duration in an hour.

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(13) Parades, concerts, musical activities, cultural events, festivals, fairs, or similar activities subject to the approval of a special permit subject to any sound limitations provided in the approval for such activity by the city.

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(14) Public parks and public recreational areas.

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(15) Any aircraft operated in conformity with or pursuant to federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations.

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(16) Legal firework displays.

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(17) All railroad operations.

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(18) Noise caused by construction between the hours of 7:00 a.m. and 10:00 p.m. provided it does not exceed 90 dB(A) at 50 feet from the source of the noise. Emergencies and/or emergency work shall be excluded from the limitations of this subsection.

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(19) Noise caused by demolition between the hours of 7:00 a.m. and 10:00 p.m. provided it does not exceed 90 dB(A) at 50 feet from the source of the noise. Emergencies and/or emergency work shall be excluded from the limitations of this subsection.

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(20) Noise caused by home repair between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday excluding all holidays, provided it does not exceed 90 dB(A) at the property line or at 50 feet, whichever is furthest from the source of the noise. Emergencies and/or emergency work shall be excluded from the limitations of this subsection.

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(21) Noise caused by the removal of solid waste, recyclables, or similar material from any premises between the hours of 7:00 a.m. and 10:00 p.m. provided it does not exceed 90 dB(A) at 50 feet from the source of the noise.

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(22) Noise caused by stationary air conditioners, generators, and pool pumps and similar equipment provided it does not exceed 90 dB(A) as measured at the property line.

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(Code 1966, §§ 9.75, 9.76; Ord. No. 1999-6, 6-28-99; Ord. No. 2016-2, 5-9-16; Ord. No. 2018-5, § 1, 8-20-18; Ord. No. 2021-7, § 1, 8-9-21)

Editor's note(s)—Ord. No. 2016-2, adopted May 9, 2016, changed the title of § 15-26 from "Loud noises prohibited; enumeration of prohibited noises; exceptions" to read as herein set out.



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**RESOLUTION 2024-20  
TO AMEND THE BUDGET  
FOR THE GENERAL MUNICIPAL PURPOSES OF  
THE CITY OF EATON RAPIDS  
FOR THE FISCAL YEAR OF 2024-2025**

**WHEREAS,** the Uniform Budgeting and Account Act and Section 7.5 (a) of the Charter of the City of Eaton Rapids require that the City Council shall adopt a balanced budget, and

**WHEREAS,** the Budget Committee and the Administration have delivered to the City Council a budget which this City Council finds to represent an equitable allocation of anticipated revenue to the various Funds, Departments, Boards, functions, and activities, and

**NOW, THEREFORE, BE IT RESOLVED,** that this City Council does hereby declare this resolution to be Adopted which shall provide an Amended Budget for the General Municipal Purposes of the City of Eaton Rapids for the Fiscal Year of 2024-2025 as provided on the following page.

**BE IT FURTHER RESOLVED,** that all expenditures set forth herein are appropriated for the purpose of the particular Fund and the particular Departments within the Funds and shall be expended in accordance with the provisions of the Uniform Budgeting and Account Act, and

**BE IT FURTHER RESOLVED,** that the investment of City funds shall comply with the provisions of Act 20 P.A. 1943, as amended.

Moved by:  
Seconded by:  
Yeas:  
Nays:  
Absent:

**CERTIFICATION**

I, Pamela Colestock, Mayor for the City of Eaton Rapids, Michigan, certify this to be a true and complete copy of Resolution No. 2024-20, duly adopted by a vote of the Eaton Rapids City Council at their regular meeting on June 24, 2024.

Date: June 24, 2024

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Pamela Colestock, Mayor

**RESOLUTION DECLARED ADOPTED**

I hereby certify that the foregoing is a true and complete copy of Resolution 2024-20 offered and adopted by the Eaton Rapids City Council at a Regular meeting held on June 24, 2024.

Date: June 24, 2024

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Robin Webb, City Clerk

**City of Eaton Rapids Budget Amendment  
Fiscal Year 2024-2025**

GL NUMBER	DESCRIPTION	Debits	Credits
<b><u>Fund 101 - GENERAL FUND</u></b>			
Dept 999 - TRANSFERS OUT			
101.999.99903	TRANSFER FROM GENERAL FUND TO DOWNTOWN DEVELOPMENT AUTHORITY (DDA)		75,000.00
 <b><u>Fund 248 – DOWNTOWN DEVELOPMENT AUTHORITY</u></b>			
Dept 931 - TRANSFERS IN			
248.931.69903	TRANSFER TO DOWNTOWN DEVELOPMENT AUTHORITY FROM GENERAL FUND	75,000.00	
		<b>TOTALS</b>	<b>75,000.00      75,000.00</b>