

DIVISION 3. - NOISE CONTROL^[8]

Footnotes:

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Cross reference— *Noise and other disturbances by patrons at drive-in restaurants, § 12-133.*

State Law reference— *Motor vehicle mufflers, MCL 257.707 et seq.*

Sec. 20-221. - Prohibited acts enumerated.

Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, 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.* Any construction work for which a building permit from the city is required including, but not limited to, the erection (including excavating therefor), demolition, alteration, or repair of any building, the cutting of any trees with power saws, and the excavation of streets and highways, except between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, unless a permit to work outside these restrictions is first obtained from the manager, pursuant to the standards and guidelines adopted by resolution of the city council, and which may be from time to time, amended by resolution of the city council. Work on the following holidays, regardless of the day of the week upon which it falls, shall be regulated in the same fashion as work on Sundays under the city's policy resolution: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.
- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier or other instrument or device producing sound which is cast upon the public street, whether stationary or mounted on a vehicle, for any purpose except by speakers in the course of a public address which is noncommercial in character and when so used shall be subject to the following restrictions:
 - a. The only sounds permitted are music or human speech.
 - b. Operations are permitted for four hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
 - c. Sound-amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one minute at each stop.
 - d. Sound shall not be issued within 100 yards of hospitals, schools, churches or courthouses.
 - e. The volume of sound shall be controlled so that it will not be audible for a distance in excess of 100 feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
 - f. No sound-amplifying equipment shall be operated with an excess of 15 watts of power in the last state of amplification.
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (5) *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.

- (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 as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (8) *Radio and musical instruments*. The playing of any radio, television set, phonograph, or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (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 persons in any school, place of worship, or office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- (10) *Whistle or siren*. The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger.
- (11) *Sound amplification from vehicle*. No person shall operate or be in control of a parked or moving vehicle with any sound amplification equipment which shall include but not be limited to standard factory installed or owner installed vehicle radios, CD players, stereo "boom boxes," and/or tape cassette players (alone or in combination with component speakers) in or on such vehicle producing sound that is by hearing the noise by the human ear or by feeling the noise by the feeling of vibration within the human body more than 50 feet from the vehicle. This subsection shall not be applicable to noise or sound emanating from publicly sponsored or publicly permitted concerts, sporting events, parades, speeches, activities, events or other gatherings.
- (12) *Overarching standard*. Notwithstanding any other provision of this division, in regard to all noises including, but not limited to, those mentioned in subsections (1)—(11) of this section, it shall be unlawful for any person to make or continue, or cause to be made or continued, any loud or unusual noise which disturbs the peace and quiet or which creates a nuisance to any reasonable person of normal sensitivities in the area. The factors determined to be used by the city to make a determination whether this section has been violated include the following:
 - a. The usual environmental noise of the surrounding area;
 - b. The proximity of the noise to residential areas;
 - c. The nature and zoning of the area where the noise originates;
 - d. The frequency and character of the noise;
 - e. The time of day or night the noise occurs;
 - f. The duration of the noise.

(Ord. No. 1999-07, 6-28-1999; Ord. No. 2000-01, 1-24-2000; Ord. No. 2003-08, 6-9-2003; Code 1982, § 9.1-11; Ord. No. 2014-10, 10-13-2014)

Sec. 20-222. - Exceptions.

None of the terms or prohibitions of section 20-221 shall apply to or be enforced against:

- (1) *Emergency vehicles*. Any police or fire vehicle or any ambulance, while engaged upon emergency business.
- (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.

(Code 1982, § 9.1-12)

Secs. 20-223—20-240. - Reserved.