

CHAPTER 31: NOISE

31-1. SHORT TITLE; INTENT AND PURPOSE..

This chapter may be referred to as the “City of Sterling Heights **Noise** Ordinance.” This chapter was created, and has been amended from time to time, to preserve the peace and tranquility of neighborhoods, public places, and streets within the community. The Michigan Supreme Court has long-recognized the right of all persons to the tranquility enjoyed by citizens of a community where good order reigns among its members, and the legitimate interest of municipalities in the preservation of peace and order. For these reasons, the City Council deems it necessary and appropriate to regulate and restrict unnecessary and unreasonable **noise** within the city.

(1978 Code, § 22-1; Ord. No. 229-A, § 5, 8-6-91; Ord. No. 380, § 1, 10-4-05)

31-2. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOUD NOISE . Any sound which, due to its volume, duration or character, annoys, disturbs, injures or endangers the comfort, health, peace and safety of reasonable persons of ordinary sensibilities. The term shall be limited to **noise** heard on the public streets, parking lot open to the public or other public place, any church or hospital or in any occupied building which is not the source of the **noise** , including the grounds surrounding the building. Unless otherwise provided in this chapter or the zoning ordinance, **noise** shall be determined at a distance of at least 50 feet measured in a straight line from the source of the **noise** .

(1978 Code, § 22-2; Ord. No. 229-A, § 6, 8-6-91; Ord. No. 380, § 1, 10-4-05)

31-3. GENERAL PROHIBITION.

Unless otherwise permitted by this chapter or the zoning ordinance, no person shall cause, create or continue any loud **noise** within the city limits.

(1978 Code, § 22-3; Ord. No. 229-A, § 1, 8-6-91; Ord. No. 380, § 1, 10-4-05) Penalty, see § [1-9](#)

31-4. SPECIFIC PROHIBITIONS.

The following are determined to be violations of this chapter. This list is not exhaustive, but merely demonstrative, and it shall not preclude enforcement of Section [31-3](#) or [Chapter 33](#) under additional or variant circumstances.

(1) *Horns and signal devices*. The sounding of any horn or signal device on any automobile, motorcycle, bus or other motor vehicle for any purpose other than to avoid an accident or collision or other reason allowed by law.

(2) *Electronic devices and musical instruments.* The playing of amplified music or sound as to annoy, disturb or unreasonably interfere with the quiet, comfort or repose of other persons.

(3) *Shouting, singing and the like.* Yelling, shouting, singing or the making of any other loud **noise** on the public streets or right-of-way, or in or within 30 feet of a residence or residential zoning district, as to annoy or disturb the quiet, comfort or repose of other persons. The creation of any such loud **noise** between the hours of 11:00 p.m. and 7:00 a.m. which is plainly audible from any public place within the city is prohibited without limitation.

(4) *Vehicle noises generally.* The operation of any truck, automobile, motorcycle or other vehicle as to cause loud **noise**.

(5) *Steam whistles or sirens.* The operation of any steam whistle or siren, except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger or for other purposes upon special permit from the City Council.

(6) *Engine exhausts.* The discharge outside of any enclosed building of the exhaust of any steam engine, internal combustion motor engine, vehicle or motorboat engine, except through a muffler or other similar device which effectively prevents the discharge of loud noises.

(7) *Construction noises.* The erection (including excavation), demolition, alteration or repair of any building or premises, or the excavation of streets and highways, in or within 30 feet of any residence or residential zoning district other than between the hours of 7:00 a.m. and 9:00 p.m.

(8) *Devices to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any person, event, performance, show, sale or display of merchandise.

(9) *Mobile sound amplification.* The broadcasting of electronically reproduced sound from motor vehicles or other portable means, when audible to or perceived by others in the community who are not responsible for such broadcast, has the deleterious effect upon the community of increasing **noise** pollution, disturbing the peace and quiet of residential neighborhoods and others near the sound in question, and impeding the ability of the listener and others from hearing or noticing the approach of emergency vehicles using sirens and other alerts. It is the intent of this chapter to strike an appropriate balance between the right of individuals to obtain information and derive pleasure by listening to radios and other devices, and the right of the public to a peaceful and healthful environment. Therefore, the following restrictions shall govern the broadcasting of such sound within the city:

(a) The playing, transmitting, amplifying, or other broadcasting of personal or commercial music or sound, by electronic or other technological means installed in a motor vehicle or otherwise portable, in such a manner that it is plainly audible at a distance of 30 feet in any direction from the operator or source between the hours of 7:00 a.m. and 11:00 p.m., is prohibited.

(b) The playing, transmitting, amplifying, or other broadcasting of personal or commercial music or sound, by electronic or other technological means installed in a motor vehicle or otherwise portable, in such a manner that it is plainly audible in a public place or residential neighborhood by any person other than the operator between the hours of 11:00 p.m. and 7:00 a.m., is prohibited.

(c) For purposes of this section, the phrase **PLAINLY AUDIBLE** means any sound that can be detected by a person using his or her unaided hearing faculties. The enforcing officer need not determine the title of a specific sound, specific words, or the performing artist, and the detection of the rhythmic bass component of music is sufficient to constitute a plainly audible sound.

(d) For violations of this subsection involving broadcasts from a motor vehicle, the operator of the motor vehicle shall be presumed to have dominion and control over the source of the broadcast, and shall therefore be presumed to be responsible for the violation. Passengers, or others lacking an ownership interest, may be found guilty of violating this subsection if such persons had constructive dominion and control over the source of the broadcast, or otherwise aided and abetted the operator.

(e) This subsection shall not be applicable to mobile sound amplification for which a valid city permit has been issued, or for which such sound amplification is incidental to and appropriate for the use of a valid city permit, such as for parades, ice cream trucks, and similar activities, so long as such activities comply with the terms of any such city permit.

(f) A violation of this subsection shall be punishable by a fine of not less than \$100. A second violation shall be punishable by a fine of not less than \$200. A third or subsequent violation shall be punishable by a fine of not less than \$300 and, in the discretion of the court, up to 90 days in jail and/or forfeiture of the offending equipment and/or community service, and/or other remedial measures deemed appropriate by the court.

The above enumeration of activities shall not be construed to be an exhaustive list of all prohibited activities.

(1978 Code, § 22-4; Ord. No. 229-A, § 2, 8-6-91; Ord. No. 380, § 1, 10-4-05)

Cross reference:

Limitation of traffic ordinance on use of vehicle horns, see § [49-69](#);

Provisions of traffic ordinance relative to unnecessary or unusual noise from operation of vehicles, see § [49-150](#);

Vehicle mufflers generally, see § [49-70](#)

31-5. EXCEPTIONS.

None of the prohibitions shall apply to any of the following:

(1) Any police vehicle, ambulance, fire engine or emergency vehicle which is engaged in necessary emergency activities;

(2) Excavation or repair of bridges, streets, highways, sewer or water construction by or on behalf of the City of Sterling Heights, State of Michigan or the County of Macomb between the hours of 9:00 p.m. and 7:00 a.m. when the public welfare, safety and convenience render it necessary to perform work during those hours.

(1978 Code, § 22-5; Ord. No. 229-A, § 3, 8-6-91; Ord. No. 380, § 1, 10-4-05)

31-6. RESERVED.

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