

CHAPTER 654
Noise

EDITOR'S NOTE: Chapter 654, previously a codification of Ordinance 105B, passed October 9, 1978, was re-enacted in its entirety by Ordinance 91-2, passed July 8, 1991.

654.01	Public nuisance defined.	654.04	Retaliation by offenders.
654.02	General prohibitions.	654.99	Penalty.
654.03	Exceptions.		

CROSS REFERENCES

Noise from motorcycles or motor driven cycles - see
TRAF. 430.06

Peace disturbances by animals - see GEN. OFF. 606.02

Peace disturbances generally - see GEN. OFF. Ch. 666

Peace disturbances by peddlers - see B.R. & T. 856.09

654.01 PUBLIC NUISANCE DEFINED.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public, or offends public decency, is hereby declared to be a public nuisance.

(Ord. 91-2. Passed 7-8-91.)

654.02 GENERAL PROHIBITIONS.

It shall be unlawful for any person to make, continue, or cause to be made or continued, any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

The following noises are hereby declared to be loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (a) 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 after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal device of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.
- (b) Radio, Phonograph and Musical Instruments. The playing of any radio, phonograph, television set, amplified or unamplified musical instrument, loudspeaker, tape recorder, or other electronic sound-producing device, in such manner or with such volume 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, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima-facie evidence of a violation of this section.
- (c) Shouting and Whistling. Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 11:00 p.m. and 7:00 a.m. or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in any office, or of any persons in the vicinity.
- (d) Hawking. The hawking of goods, merchandise or newspapers in a loud or boisterous manner.
- (e) Animal and Bird Noises. The keeping of any animal or bird which, by causing frequent or loud continued noise, shall disturb the comfort or repose of any person.
- (f) Whistles or Sirens. The blowing of any whistles or sirens, except to give notice of time to begin or stop work or as a warning of fire or danger.
- (g) Engine Exhaust. The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (h) Construction Noises. The erection (including excavation therefor), demolition, alteration or repair of any building, and the excavation of streets and highways on Sundays and other days, except between the hours of 7:00 a.m. and 8:00 p.m., unless a permit therefor is first obtained from the Village Manager.

- (i) Handling Merchandise. The creation of a loud and excessive noise in connection with loading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (j) Devices to Attract Attention. The use of any drum, loudspeaker, amplifier or other instrument or device for the purpose of attracting attention for any purpose. (Ord. 91-2. Passed 7-8-91.)

654.03 EXCEPTIONS.

None of the terms or prohibitions of the previous section shall apply or be enforced against:

- (a) Any police or fire vehicle or any ambulance, while engaged in necessary emergency business.
- (b) Necessary excavations in or repairs of bridges, streets or highways, or any public utility installation by or on behalf of the Village, any public utility or any agency of the State of Michigan, during the night or on Sunday, when the public safety, welfare and convenience necessitates the performance of the work at such times.
- (c) The reasonable use of stationary amplifiers or loudspeakers for public addresses which are non-commercial in character.
- (d) The use of sound amplifiers or other such devices by churches, or other organizations approved by the Council.
- (e) Trains.
(Ord. 91-2. Passed 7-8-91.)

654.04 RETALIATION BY OFFENDERS.

If there is any evidence of retaliation by any offender against any complainant or witness, such evidence shall be communicated to the District Court or Magistrate. In sentencing any violator, the District Court or Magistrate shall first examine the evidence of retaliation, and if such is shown, shall consider such acts and sentence the violator accordingly.

(Ord. 91-2. Passed 7-8-91.)

654.99 PENALTY.

(a) Municipal Civil Infraction. Whoever violates or fails to comply with any of the provisions of this chapter is responsible for a Municipal civil infraction and shall be subject to payment of a civil fine of not less than fifty dollars (\$50.00), reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided below.

(b) Increased Civil Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this chapter. As used in this chapter, "repeat offense" means a second (or any subsequent) Municipal civil infraction violation of the same requirement or provision committed by a person within any eighteen-month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.
- (2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus reimbursement to the Village for charges assessed for the expense of the abatement, plus costs and other sanctions for each infraction.

(Res. 96-117. Passed 12-9-96.)

EDITOR'S NOTE: BECAUSE OF THE 1991 UPDATING AND REVISION OF THESE CODIFIED ORDINANCES, THE NEXT NUMBERED PAGE IS PAGE 33.