

## Saginaw Code of Ordinances

**NOISE****§ 94.20 PURPOSE.**

(A) The making and creation of excessive, unnecessary, or unusually loud noises within the limits of the City is a condition which has existed for some time and the extent and volume of such noises are increasing.

(B) The making, creation, or maintenance of such excessive, unnecessary, unnatural, or unusually loud noises which are prolonged, unusual, and unnatural in their time, place, and use affect and are a detriment to public health, comfort, convenience, safety, welfare, and prosperity of the residents of the City.

(C) The necessity in public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the City and its inhabitants.

(Ord. D-1770, passed 9-30-96, effective 11-11-96)

**§ 94.21 PROHIBITION GENERALLY.**

(A) *Excessive noise prohibited.* It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

(B) *Excessive noise standard.* The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- (1) The level of noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The level and intensity of the background noise, if any;
- (5) The proximity of the noise to residential sleeping facilities;
- (6) The nature and zoning of the area within which the noise emanates;
- (7) The density of the inhabitation of the area within which the noise emanates;
- (8) The time of the day and night the noise occurs;
- (9) The duration of the noise;
- (10) Whether the noise is recurrent, intermittent, or constant.

(Ord. D-1770, passed 9-30-96, effective 11-11-96)

## § 94.22 NOISES PROHIBITED.

The following acts, among others, are declared to be loud, disturbing, unnecessary, and excessive noises in violation of this subchapter in consideration of the excessive standards enumerated in § 94.21, but said enumeration shall not be deemed to be exclusive, namely:

(A) *Horns, signaling devices, etc.* The sound of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary or unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. Violation of this provision shall be a civil infraction and punishable as provided in § 70.99(A).

(B) *Sound amplifying-equipment.*

(1) For purposes of this subsection, the following definitions shall apply:

**MOBILE SOUND AMPLIFYING EQUIPMENT.** Any sound amplifying equipment capable of being operated while being transported from place to place and shall include without limitation any sound amplifying equipment upon or in any vehicle, including motorcycle or moped.

**SOUND AMPLIFYING EQUIPMENT.** Any machine or device for the amplification of the human noise, music, or any other sound.

**STREET.** Includes a public or private highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles; however, it shall not include that portion of a public street temporarily closed to vehicular traffic by public authority to accommodate or permit a public assembly.

(2) No person shall use or permit the use of any sound amplifying equipment or mobile sound amplifying equipment the sound of which is cast upon any street, alley, or public property so as to produce sound that is already audible more than fifty (50) feet from the point of amplification. Nothing in this section shall be deemed to prohibit:

(a) The use of any such device by a governmental agency in the furtherance of its authorized function;

(b) The use of such device to warn of imminent danger;

(c) The reasonable use of any such device by a church or other non-profit religious organization upon its premises for the dissemination of music or bell tones as a call to, recessional from, or integral part of a religious service;

(d) The use of a chime to indicate the time at not more frequent intervals than fifteen (15) minutes;

(e) The dissemination of sound during a parade, outdoor band concert, or theatrical performance provided the volume of sound is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons more than fifty (50) feet from the point of amplification.

(C) *Loudspeakers; amplifiers for advertising.* The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(D) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 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.

(E) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(F) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.

(G) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Violation of this provision shall be a civil infraction and punishable as provided in § 70.99(A).

(H) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

(I) *Loading, unloading, opening boxes.* 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.

(J) *Construction or repairing of buildings.* The erection (including excavation), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he or she shall further determine that loss or inconvenience would result to any party in interest, he or she may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(K) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, court, or quiet zone, while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

(L) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(M) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.

(N) *Pile drivers, hammers, etc.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

(` 38 Gen'l Code, Ch. 3, § 104)

(O) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan are muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(` 38 Gen'l Code, Ch. 3, §§ 104, 201, 202, 204)

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