

ARTICLE II. - NOISE

Sec. 21-21. - Generally.

Among others, each of the acts in this article is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive.

(Code 1967, § 4-103)

Sec. 21-22. - 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 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; or the sounding of such device for an unnecessary and reasonable period of time is unlawful.

(Code 1967, § 4-103(a))

Cross reference— Traffic and motor vehicles generally, Ch. 37.

Sec. 21-23. - Television, phonograph, musical instruments, etc.

The playing of any television, phonograph or similar device or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 8:00 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 is unlawful.

(Code 1967, § 4-103(b); Ord. No. 80-498, § 1, 7-23-96; Ord. No. 80-677, § 1, 4-28-09)

Sec. 21-24. - Excessive noise.

It shall be unlawful for any person within any residential area of the city or on any public street to make any excessive noise between the hours of 10:00 p.m. and 8:00 a.m. which disturbs the quiet or peace of the persons located in the vicinity.

(Code 1967, § 4-103(c); Ord. No. 80-422, § 1, 12-22-92)

Sec. 21-25. - Hawking.

The hawking of goods, merchandise or newspapers in a loud and boisterous manner is unlawful.

(Code 1967, § 4-103(d))

Cross reference— Peddlers, solicitors and transient merchants, Ch. 24; loud noises and speaking devices prohibited by peddlers, § 24-19; loud noises and speaking devices restricted for

transient merchants, § 24-74; loud noise and speaking devices restricted for charitable solicitation, § 24-154.

Sec. 21-26. - Animal and bird noises.

The keeping and/or feeding of any animals or birds which by causing frequent or long continued nuisances through noise or the deposit of fecal matter which shall disturb the safety, health, comfort or repose of any person is unlawful.

This will include the intentional placing of animal or bird feed on the ground which encourages the lingering or congregating of any animals or birds.

(Code 1967, § 4-103(e); Ord. No. 80-598, § 1, 8-26-03)

Cross reference— Animals generally, Ch. 7.

Sec. 21-27. - Whistle or siren.

The blowing of any whistle or siren, except to give notice of the time, or as a warning of fire or danger is unlawful.

(Code 1967, § 4-103(f))

Sec. 21-28. - Engines and motor vehicles.

- (a) 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 explosive noises therefrom is unlawful.
- (b) It shall be unlawful for any person within any residential area of the city to repair, rebuild or test any motor vehicle between the hours of 10:00 p.m. and 8:00 a.m.

(Code 1967, § 4-103(g); Ord. No. 80-422, § 2, 12-22-92)

Cross reference— Traffic and motor vehicles generally, Ch. 37.

State Law reference— Mufflers, MCL 257.707.

Sec. 21-29. - Construction noises.

- (a) Any construction, demolition, alteration or repair of any building or structure, excavation of any building site, construction or excavation of any highway, street, alley, sidewalk or other public improvement, including operations required for said construction or excavation, is unlawful between the hours of 7:30 p.m. and 7:00 a.m. weekdays, and 7:30 p.m. and 8:00 a.m. on weekends and holidays, unless written approval is obtained from the city engineer.
- (b) The operation of any cement batching operation is unlawful unless a permit is obtained from the Warren city council, specifying the location, method and hours of operation.

(Code 1967, § 4-103(h); Ord. No. 80-423, § 1, 12-22-92)

Cross reference— Buildings and building regulations generally, Ch. 9.

Sec. 21-30. - Handling merchandise.

The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is unlawful.

(Code 1967, § 4-103(i))

Sec. 21-31. - Noise or commotion in vehicles.

Making or causing a commotion or unnecessarily loud noise, or loud or profane music from a motor vehicle, be it in motion or stationary, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed is unlawful.

(Code 1967, § 4-103(j); Ord. No. 80-499, § 1, 7-23-96)

Cross reference— Traffic and motor vehicles generally, Ch. 37.

Sec. 21-32. - Sound trucks.

Operating or causing to be operated a sound truck with radio or amplifier within the city without first having obtained a permit therefor from the city clerk is unlawful.

(Code 1967, § 4-103(k))

Cross reference— Advertising generally, Ch. 3; traffic and motor vehicles generally, Ch. 37.

Sec. 21-33. - Alarms.

All alarms that can be heard by the public shall include a device that automatically shuts the sound of the alarm off after it has sounded for a period of no longer than fifteen (15) minutes. The owner of any alarm that sounds publicly for longer than fifteen (15) minutes, or who fails to install a device that will limit the sound to no more than fifteen (15) minutes, shall be in violation of this section.

(Ord. No. 80-315, § 1, 3-11-86)

Sec. 21-34. - Exceptions.

None of the prohibitions in this article shall apply to or be enforced against any police or fire vehicle of the city or ambulance while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets or highways by or on behalf of the city, county or state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day; or the reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are noncommercial in character.

(Code 1967, § 4-103(l); Ord. No. 80-315, § 1, 3-11-86)

Sec. 21-35. - 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, which 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 is unlawful. It is the intent of this section to strike an appropriate balance between the right of the 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 device, in such a manner that it is plainly audible at a distances of thirty (30) feet in any direction from the operator or source between the hours of 8:00 a.m. and 10:00 p.m. is unlawful.
- (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 device, 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 10:00 p.m. and 8:00 a.m., is unlawful.
- (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 section 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 section 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.

(Ord. No. 80-677, § 1, 4-28-09)

Sec. 21-36. - Penalty.

The violation of a provision of article II of this chapter is a municipal civil infraction. The district court shall punish a person found responsible of a violation of article II of this chapter with a fine of not less than one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000.00) per violation; and/or costs; assessments; and damages and expenses, as provided by MCL 600.8727(3).

(Ord. No. 80-731, § 6, 8-11-15)

Sec. 21-37. - Reserved.

Sec. 21-38. - Reserved.

Editor's note— Ord. No. 80-652, adopted on May 8, 2007, repealed section 21-38 in its entirety, which pertained to penalties. See also the Code Comparative Table.

Secs. 21-39—21-45. - Reserved.