

## Chapter 36 - NOISE<sup>[1]</sup>

### Footnotes:

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**Editor's note**—Ord. No. 8-01, § 1, adopted July 25, 2001, amended former Ch. 36, §§ 36-1-1—36-1-8, in its entirety to read as herein set out. Former ch. 36 pertained to similar subject matter and derived from the Code of 1964 and Ord. No. 337-H, § 1, 7-27-79; Ord. No. 368-H, § 1, 1-23-80.

**Cross reference**— Noisy animals, § 6-1-7; use of musical instruments by auctioneers prohibited, § 7-1-12; health and sanitation, Ch. 24; nuisances generally, Ch. 37; use of noise making devices by street and stationary vendors, § 41-2-10; operation of sound cars prohibited in certain areas, § 55-1-12; playing radios on buses prohibited, § 58-4-6.

### Sec. 36-1-1. - Unreasonable noise prohibited; restrictions on sound from motor vehicles.

- (a) It is unlawful for any person to unreasonably disturb the public peace and quiet, or to unreasonably disturb or annoy the quiet, comfort and repose of persons in the vicinity by shouting or whistling, by loud, boisterous, or vulgar conduct, or by the playing of a compact disc player, musical instrument, phonograph, radio, tape player, television, videotape machine, or any other device, equipment, or instrument that amplifies, produces, or reproduces sound, in any public or private place.
- (b) It is unlawful to operate or play a compact disc player, musical instrument, radio, tape player, or any other device, equipment, or instrument that amplifies, produces, or reproduces sound, from any parked or moving motor vehicle in such manner as to be plainly audible at a distance greater than ten (10) feet from the motor vehicle.

(Ord. No. 8-01, § 1, 7-25-01; Ord. No. 24-04, § 1, 7-14-04)

### Sec. 36-1-2. - Restrictions on outdoor speakers.

It is unlawful to maintain or operate an outdoor speaker that is affixed to any structure or placed upon any property where:

- (1) The speaker is audible for a distance of more than fifty (50) feet from the source; or
- (2) The speaker is two hundred fifty (250) feet or closer to a location that is zoned or developed for residential use. This restriction shall not apply to intercommunication systems that are utilized from 9:00 a.m. to 6:00 p.m. for the sole purpose of conducting the internal business affairs of the establishment. Further, this provision does not prohibit use of an outdoor speaker where the buildings and safety engineering department, or the board of zoning appeals approves a temporary permit of thirty (30) days or less for religious services, or for a fair, bazaar, festival, carnival or similar use.

(Ord. No. 8-01, § 1, 7-25-01)

### Sec. 36-1-3. - Restrictions on use of steam or compressed air whistles; siren whistles prohibited.

- (a) Use by steamboats. It is unlawful to blow or cause to be blown the steam or compressed air whistle of any steamer that is approaching, docked at, or leaving any wharf in the city except when needed as a danger signal, or as required by the laws or regulations of the United States.
- (b) Use by locomotives. It is unlawful to blow or cause to be blown the steam or compressed air whistle of any locomotive within the city for the purpose of signaling to other trains except where use of such whistle is prescribed by state law.
- (c) Stationary engine whistles. It is unlawful to blow or cause to be blown within the city any steam or compressed air whistle for longer than five (5) seconds as a signal for commencing or suspending work, or for any other purpose except as specified in section 36-1-5 of this Code.
- (d) Siren whistles. The use of siren whistles is prohibited.

(Ord. No. 8-01, § 1, 7-25-01)

Sec. 36-1-4. - Restrictions on the hours of truck driving schools.

Truck driving schools shall not be open or operated on Sunday, or between the hours of 9:00 p.m. and 7:00 a.m. on any other day. For the purpose of this section, the term truck driving school means any entity which, or person who, teaches the technique of driving and operating truck tractors and trailers as defined in Section 1 of the Michigan Vehicle Code, being MCL 257.1; MSA 9.1801.

(Ord. No. 8-01, § 1, 7-25-01)

Sec. 36-1-5. - Exceptions.

This chapter shall not apply to:

- (1) Any noise or music resulting from or accompanying activities of temporary duration that are permitted by this Code;
- (2) Parades and public gatherings for which the city council has granted approval under sections 40-1-25 or 50-9-16 of this Code;
- (3) Alarm systems regulated under Chapter 38, Article XV, of this Code;
- (4) Noise from safety signals and warning devices, including steam or compressed air whistles used as alarm signals; or
- (5) Noise arising from the official performance of duties by the city police and fire departments.

(Ord. No. 8-01, § 1, 7-25-01)

Sec. 36-1-6. - Violations and penalties.

- (a) A person who violates any provision of this chapter is guilty of a misdemeanor for each violation, and, in the discretion of the court, may be fined up to five hundred dollars (\$500.00) and sentenced to a maximum of ninety (90) days in jail, or both, for each violation, except for a violation of section 36-1-1(b) of this Code.
- (b) A first conviction for a violation of section 36-1-1(b) of this Code shall be punishable by a fine of not less than one hundred dollars (\$100.00). A second conviction for a violation of section 36-1-1(b) of this Code shall be punishable by a fine of not less than two hundred dollars (\$200.00). A third or subsequent conviction for a violation of section 36-1-1(b) of this Code shall be punishable by a fine of not less than three hundred dollars (\$300.00) and, in the discretion of the court, up to ninety (90) days in jail.

(Ord. No. 8-01, § 1, 7-25-01; Ord. No. 24-04, § 1, 7-14-04)

Secs. 36-1-7—36-1-10. - Reserved.