

VILLAGE OF MATTAWAN

ANTI-NOISE ORDINANCE

ORDINANCE NO. 171

AN ORDINANCE TO AMEND AND REPLACE ORDINANCE NO 51
OF THE VILLAGE OF MATTAWAN, ANTI-NOISE ORDINANCE

An Ordinance to set rules, regulations and prohibitions against excessive, unnecessary or Unusually loud sounds and to provide penalties for the violation of its provisions.

THE VILLAGE OF MATTAWAN, COUNTY OF VAN BUREN, STATE OF MICHIGAN, ORDAINS:

SECTION 1 PURPOSE

It is found and declared that:

The making and creation of excessive, unnecessary or unusually loud sounds within the limits of the village is a condition which has existed for some time, and the extent and volume of such sound is increasing.

The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud sounds 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 village.

The necessity in the public interest for the provisions and prohibitions contained and enacted in section 2 and 3 is declared a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions contained and enacted in sections 2 and 3 are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and the peace and quiet of the village and its inhabitants.

SECTION 2 UNLAWFUL SOUND GENERALLY

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

SECTION 3 ENUMERATION OF PROHIBITED ACTS; SOUND STANDARDS

The following acts, among others, are declared to be loud disturbing and unnecessary sounds in violation of this article, but such enumeration shall not be deemed to be exclusive namely:

Horns and signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the village, 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 and 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.

Radios, phonographs, and sound producing or reproduction devices. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

Loudspeakers and 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.

Yelling, shouting, whistling, or singing. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. to 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 any persons in the vicinity.

Animals and birds. The keeping of any animal or bird which by causing frequent or long continued sounds shall not disturb the comfort or repose of any persons in the vicinity.

Steam whistles. The blowing of any locomotive 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 village authorities.

Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive sounds therefrom.

Defect in vehicle or load. The uses 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 sounds.

Loading, unloading and opening boxes. The creation of loud and excessive sounds in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

Construction or repair of buildings. The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, except in the 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 days or less while the emergency continues and which permit may be renewed for periods of three 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 highway within the hours of 6:00 p.m. and 7:00 a.m. and if he shall further determine that loss or inconvenience would not result to any party in interest, he 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.

Schools, courts, churches and hospitals. The creation of any excessive sound on any street adjacent to any school, institution of learning, church or court 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 the same is a school, hospital or court street.

Hawkers and Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

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.

Transportation of metal rails, pillars, and columns. The transportation of rails, pillars, or columns of iron, steel or other materials, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud sounds so as to disturb the peace and quiet of such streets or other public places.

Pile drivers, hammers, and other heavy-duty appliances. The operation between the hours of 9:00p.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 sounds.

Blowers. The operation of any sound –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 noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

SECTION 4 PENALTY FOR VIOLATING OF ACTICLE

Any person violating any of the provisions of this article shall be upon conviction guilty of a misdemeanor and punished by a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

SECTION 5 ADDITIONAL REMEDY; INJUNCTION

As an additional remedy, the operation or maintenance of any device, instrument, or machinery in violation of any provision of this article which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 6 EFFECTIVE DATE

This Ordinance shall become effective July 31, 1998.

