

ARTICLE I. NOISE¹

DIVISION A. GENERALLY

Sec. 16-1-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Emergency services means the physical actions, behavior, or resulting conditions of personnel or equipment related to the aid or management of crises that may arise in the City, including local, state, and federal law enforcement, municipal or state fire departments, public or private emergency medical services, and private or

¹Editor's note(s)—Ord. No. 02-16, § 2, adopted November 17, 2015, amended Chapter 36 of the 1984 Code in its entirety to read as herein set out. Previously, the noise provisions of the former Chapter 36 derived from the Code of 1964 and Ord. No. 337-H, § 1, 7-27-1979; Ord. No. 368-H, § 1, 1-23-1980; Ord. No. 8-01, § 1, 7-25-2001; and Ord. No. 24-04, § 1, 8-6-2004.

Cross reference(s)—Violation of noise requirements for amplification device constitute grounds to close down carnival, § 5-4-6; inadequate control of sound from musical equipment constitutes nuisance and is grounds to suspend, revoke, or deny renewal of public dance hall license, § 5-10-29(b); noisy animals declared to be public nuisance and abatement thereof, § 6-1-7; nuisances generally, § 16-2-1*et seq.*; health, generally, Ch. 20; prohibition against disorderly conduct, § 31-5-1; prohibition against firing cannon without permit, § 31-5-16; prohibition against disturbing schools, § 31-7-2; continued emission of audible or visible alarm or automotive theft alarm declared to be public nuisance, § 31-8-2; requirement for burglary, robbery, or automotive theft alarms to terminate within one hour, § 31-8-4; abatement of burglar or automatic theft alarm in hospital quiet zones, § 31-8-7; prohibition against discharge of firearms with exceptions, § 31-13-25; hours for closure of City parks and public places, § 33-1-15; hours for closure of private parks, private playfields, and private playgrounds, § 33-1-16; prohibition against hawking handbills for commercial purposes within any park, public place, or boulevard, § 33-1-18; prohibition against commercial hawking within Hart Plaza, § 33-2-4; prohibition against commercial hawking within Campus Martius Park, § 33-2-24; prohibition against disturbing the peace by licensee soliciting fire repair contracts, § 34-5-7; prohibition against use of noise by auctioneers to attract attention, § 40-1-12; prohibition against operation of sound cars in certain areas, § 46-4-111; prohibition against playing radios on City busses with exceptions, § 47-2-14; prohibition against sound amplification devices on Detroit People Mover System, § 47-4-9; prohibition against playing of radios or other electronic devices on Streetcar System with exceptions, § 47-8-26; prohibition against playing of musical instruments on Streetcar System, § 47-8-26; prohibition against excessive or unnecessary noise on Streetcar System without authorization, § 47-8-26; prohibition against creating unreasonably high noise levels during agricultural operations, § 50-12-406; restricted hours for use of motorized equipment in residential and planned development zoning districts, § 50-12-407; requirement for accessory uses to be constructed, maintained, and conducted to avoid production of noise, § 50-12-456; prohibition against creating noise through operation of home occupation, § 50-12-493; operational performance standards regarding noise, § 50-14-587.

Federal law reference—Noise control, 42 USC 4901 *et seq.*

licensed security organizations that have express agreements in place with the City to perform certain forms of emergency response.

Essential services means:

- (1) The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, any governmental agencies, or any private-public partnership of street or right-of-way facilities, underground or overhead gas, electrical, steam, water, or other transmission or distribution system, collection communication, supply or disposal system, including poles, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of utility service by such public utilities, municipal departments or commissions, government agencies, or public-private partnerships, or for the public health, safety, or welfare; and
- (2) Work by the Michigan Department of Transportation including capital preventative maintenance, light duty rehabilitation, rotomilling and resurfacing, pavement restriping, asset management related repairs, alterations or improvements, emergency repairs that are essential to the operational functionality, safety and maintenance of the transportation network and such other activities approved in writing by the Director of the Buildings, Safety Engineering, and Environmental Department.

Historic vehicle means, as likewise defined in section 20a of the Michigan Vehicle Code, being MCL 257.20a, a vehicle that is over 25 years old, that is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation, and, when used during the month of August in each year is considered an exhibition.

Motor vehicle means any passenger vehicle, truck, truck-trailer, trailer, or semitrailer propelled or drawn by mechanical power.

Motor vehicle noise means any sounds emitted from a motor vehicle, either by its physical or electrical components, or by noise-emitting instruments or devices within it, that are plainly audible at a distance greater than ten feet from the motor vehicle.

Non-motor vehicle noise means sounds emitted from any source other than a motor vehicle that can be attributed to a person that is plainly audible within 50 feet of its source.

Person means every natural person, partnership, association or corporation which may own, operate, or control those devices or facilities herein described.

Zoning district means any district that is established by Chapter 50 of this Code, *Zoning*.

(Code 1984, § 36-1-1; Ord. No. 02-16, § 1(36-1-1), eff. 2-3-2016)

Sec. 16-1-2. Violations and penalties.

- (a) A person who violates any provision of this article is guilty of a misdemeanor for each violation, and, in the discretion of the court, may be fined up to \$500.00 and sentenced to a maximum of 90 days in jail, or both, for each violation, except for a violation of Section 16-1-23 of this Code.
- (b) A first conviction for a violation of Section 16-1-23 of this Code shall be punishable by a fine of not less than \$100.00. A second conviction for a violation of Section 16-1-23 of this Code shall be punishable by a fine of not less than \$200.00. A third or subsequent conviction for a violation of Section 16-1-23 of this Code shall be punishable by a fine of not less than \$300.00 and, in the discretion of the court, up to 90 days in jail.

(Code 1984, § 36-4-1; Ord. No. 02-16, § 1(36-4-1), eff. 2-3-2016)

Secs. 16-1-3—16-1-10. Reserved.

DIVISION B. NON-MOTOR VEHICLE NOISE

Sec. 16-1-11. Applicability.

The provisions of this division apply to all sources of sound except:

- (1) Motor vehicles in operation on a public right-of-way;
- (2) Aircraft in flight or in operation at the Coleman A. Young Municipal Airport;
- (3) Railroad equipment in operation on railroad rights-of-way.

(Code 1984, § 36-2-1; Ord. No. 02-16, § 1(36-2-1), eff. 2-3-2016)

Sec. 16-1-12. General prohibition of noise.

It is unlawful for any person to create, assist in creation, permit, continue or permit the continuance of any unreasonably loud or disturbing noise which annoys, disturbs, injures, or endangers the health, peace, safety, or welfare of others within the corporate limits of the City.

(Code 1984, § 36-2-2; Ord. No. 02-16, § 1(36-2-2), eff. 2-3-2016)

Sec. 16-1-13. Specific prohibitions of activities constituting noise violations.

(a) It is unlawful to engage in, assist in, permit, continue or permit in the continuance of any of the following activities within City limits where the activity produces non-motor vehicle noise between the hours of 10:00 p.m. and 7:00 a.m. unless exempted by Section 16-1-14 of this Code:

- (1) The performance or reproduction of music through vocals, musical instrument or instruments, speakers of any type, music players, televisions, or mobile devices;
- (2) The amplification or reproduction of speech through use of a microphone, megaphone, bullhorn, any other sound magnification device; or
- (3) The use of any steam or compressed air whistles or sirens.

(b) It is unlawful to engage in, assist in, permit, continue or permit in the continuance of any of the following activities within a zoning district classified for residential use or immediately adjoined by a zoning district classified for residential use where the activity produces non-motor vehicle noise between the hours of 10:00 p.m. and 7:00 a.m. unless exempted by Section 16-1-14 of this Code:

- (1) The use of heavy construction equipment including pile drivers, jackhammers, drills, or any other mechanical apparatus in building or construction operations; or
- (2) The loading and unloading of vehicles or storage containers.

(Code 1984, § 36-2-3; Ord. No. 02-16, § 1(36-2-3), eff. 2-3-2016)

Sec. 16-1-14. General exemptions to noise violations.

The following activities, to the extent they would constitute a noise violation pursuant to Section 16-1-13 of this Code, are exempted from classification as a noise violation:

- (1) All essential services as defined in Section 16-1-1 of this Code performed by authorized personnel within the scope of their duties; and
- (2) All emergency services as defined in Section 16-1-1 of this Code performed by authorized personnel within the scope of their duties.

(Code 1984, § 36-2-4; Ord. No. 02-16, § 1(36-2-4), eff. 2-3-2016)

Secs. 16-1-15—16-1-20. Reserved.

DIVISION C. MOTOR VEHICLE NOISE

Sec. 16-1-21. Applicability.

The provisions of this division apply only to motor vehicles in operation on a public right-of-way. Other provisions that prohibit motor vehicle noise, and the penalties for violation thereof, are contained in the Michigan Vehicle Code, being MCL 257.1 *et seq.*, which is incorporated by reference into this Code through Section 46-3-1, *Adoption of Michigan Vehicle Code*.

(Code 1984, § 36-3-1; Ord. No. 02-16, § 1(36-3-1), eff. 2-3-2016)

Sec. 16-1-22. General prohibition of motor vehicle noise.

It is unlawful for any person to produce or reproduce motor vehicle noise as defined in Section 16-1-1 of this Code unless pursuant to an exemption to this division.

(Code 1984, § 36-3-2; Ord. No. 02-16, § 1(36-3-2), eff. 2-3-2016)

Sec. 16-1-23. Specific prohibitions of motor vehicle noise.

It is a noise violation to produce or reproduce motor vehicle noise by the following means:

- (1) The use of a horn or warning device within a motor vehicle for purposes other than to warn other drivers of an emergency;
- (2) Any use of a siren, whistle, or bell in a motor vehicle unless otherwise permitted in this Code; or
- (3) The production or reproduction of sound within or around a motor vehicle, including the use of internal or external speakers, while a motor vehicle is in motion or at rest.

(Code 1984, § 36-3-3; Ord. No. 02-16, § 1(36-3-3), eff. 2-3-2016)

Sec. 16-1-24. General exemptions to motor vehicle noise violations.

The following activities or conditions, to the extent that they would constitute a noise violation pursuant to Section 16-1-23 of this Code, are exempted from classification as a motor vehicle noise violation:

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- (1) All emergency services as defined by Section 16-1-1 of this Code performed by authorized personnel within the scope of their duties; and
 - (2) The reasonable use of sirens, bells, or whistles by a historic vehicle in a parade or event authorized pursuant to Section 43-11-23 of this Code.

(Code 1984, § 36-3-4; Ord. No. 02-16, § 1(36-3-4), eff. 2-3-2016)

Secs. 16-1-25—16-1-30. Reserved.