

CITY OF MUNISING

NOISE ORDINANCE

ORDINANCE NO. 2014-4

An Ordinance to prohibit the making or creation of any excessive, unnecessary and unnatural, or unusually loud noises which are prolonged, unusual and unnatural in their time, place, use and effect, and are a detriment of the public health, comfort, safety, welfare and prosperity of the residents of the City of Munising.

THE CITY OF MUNISING ORDAINS:

SECTION 1. UNLAWFUL NOISE PROHIBITED. It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any excessive, unnecessary, unnatural, or unusually loud noise, or any noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City. The following acts are declared to be loud, disturbing, injurious, unnecessary and unlawful noises in violating this section, but this enumeration shall not be deemed to exclusive:

(A) **HORNS AND SIGNAL DEVICES.** The sounding of any horn or signal device of any automobile, motorcycle, bus, train, or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time;

(B) **RADIO, PHONOGRAPH MUSICAL INSTRUMENTS.** The playing or use of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound producing devices, in such a manner or at a volume, at any time or place, so as to disturb the comfort or repose or persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any person in the neighborhood or community. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible in a dwelling unit other than that in which it is located or at a distance of fifty (50) feet from the building, structure, or vehicle from which the sound complained of emanates, between the hours of 12:00 midnight and 7:00 o'clock a.m., shall be prima facie evidence of a violation of this section;

(C) **SHOUTING AND WHISTLING.** Yelling, shouting, hooting, whistling, singing, or the making of any other loud noises on the public streets, between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m., or the making of any such noise at any time or place so as to disturb the comfort or repose of persons in any dwelling, hotel, hospital, or other type of residence, or in any office, school, church or court, or of any persons in the neighborhood or vicinity;

(D) **HAWKING.** The hawking of any goods, merchandise, or newspapers in a loud or boisterous manner;

(E) **ANIMAL AND BIRD NOISES.** The keeping of any animal or bird which by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the neighborhood or community;

(F) **WHISTLE OR SIREN.** The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire, or danger; and except for the noon and 9:00 p.m. whistle regularly sounded at the Kimberly Clark Mill and the City Fire Hall.

(G) **ENGINE EXHAUST.** The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom;

(H) **CONSTRUCTION NOISES.** The erection, including excavation therefore, demolition, alteration, or repair of any building, and the excavation of streets and highways on Sundays, and other days, except between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m.; except in case of urgent necessity in the interest of public health and safety, and if a permit therefore has first been obtained from the City Manager;

(I) **HANDLING MERCHANDISE.** The creation of any loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers;

(J) **DEVICES TO ATTRACT ATTENTION.** The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

(K) FIREWORKS. The ignition, discharge, use, detonation or firing of any explosive firework, at anytime of the day or night, except on the day preceding, the day of, or the day after a national holiday from 8:00 a.m. to 1:00 a.m.

SECTION 2. EXCEPTIONS. None of the terms or prohibitions of the previous section shall apply or be in force against:

(A) **EMERGENCY VEHICLES.** Any police or fire vehicle or any ambulance, while engaged upon necessary emergency business;

(B) **HIGHWAY AND UTILITY MAINTENANCE AND CONSTRUCTION.** Necessary excavation in or repairs or maintenance of bridges, streets, or highways, including snow removal, or any public utility installation by or on behalf of the City, or any public utility or any agency of the State of Michigan, during the night or on Sunday, when the public safety, welfare, and convenience necessitates the performance of the work at such times;

(C) PUBLIC ADDRESSES. The reasonable use of stationary amplifiers or loudspeakers for public addresses, which are noncommercial in character;

(D) SACRED MUSIC. The use of sound amplifiers or other such devices by churches, or other organizations approved by the City Commission.

(E) PUBLIC EVENTS. Organized public events operated under permit granted by the City prior to the holding of said event. The permit shall, on its face, identify the particular event for which the permit is being issued and state what time the event is to end.

SECTION 3. PENALTY-CIVIL INFRACTION/MISDEMEANOR.

A person responsible for activity that violates Section 1 shall be guilty of a civil infraction or a misdemeanor, as provided below. If the person responsible for an activity which violates Section 1 cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

(A) Except for a violation of Section 1 (K), A person found responsible for a violation of this Ordinance shall be guilty of a civil infraction punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of Section 1, excepting violations of Section 1 (K), shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one-year period, time shall run from the date the first ticket was issued.

(B) A person found responsible for a violation of Section 1 (K) of this Ordinance shall be guilty of a civil infraction punishable by a civil fine of not more than \$500.00 for each violation.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 5. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 6. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

I hereby certify that Ordinance No. 2014- 4, a copy of which is attached hereto and incorporated by reference, was introduced on the 1st day of October, 2014, was adopted by the Commission of the City of Munising on the 20th day of October, 2014, was published in the Munising News on the 29th day of October, 2014, and becomes effective on the 8th day of November, 2014.

Dated: 10/20/14

Sue Roberts
Sue Roberts, City Clerk