

ORDINANCE NO. 1042-----NOISE ORDINANCE

AN ORDINANCE PROHIBITING UNNECESSARY NOISES WITHIN THE VILLAGE OF ESTRAL BEACH, MICHIGAN AND SETTING THE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

THE COUNCIL OF THE VILLAGE OF ESTRAL BEACH ORDAINS;

SECTION NO.1-----IT IS FOUND AND DECLARED THAT;

(a) The making and creation of loud, unnecessary or unusual noises within the limits of the Village of Estral Beach is a condition which has existed for some time and the extent and the volume is increasing.

(b) The making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use effect and are a detriment to public health, comfort, convenience, welfare and prosperity of the residents of the Village of Estral Beach; and

(c) The necessity in the public interest for the provisions and prohibitions herein after contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions herein after contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and peace and quiet of the Village of Estral Beach and its inhabitants.

SECTION NO.2;

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

SECTION NO.3;

THE FOLLOWING ACTS, AMONG OTHERS, ARE DECLARED TO BE LOUD DISTURBING AND UNNECESSARY NOISES IN VIOLATION OF THIS ORDINANCE, BUT SAID ENUMERATION SHALL NOT BE DEEMED TO BE EXCLUSIVE, NAMELY;

(a) HORNS, SIGNALING DEVICES, ETC.-----The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Village of Estral Beach, 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 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.

(b) LOUD SPEAKERS, AMPLIFIERS FOR ADVERTISING, ETC.-----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 attention of the public to any building, structure, premises or vehicle.

(c) RADIO AND MUSICAL INSTRUMENTS:-----The playing of any radio, television, phonograph, or any musical instruments in such a manner or with such volume, particularly during the hours between 11-p.m.

SECTION NO.3-----SUB-SECTION (c)-----CONTINUED;

and 7 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 or other type of residence, or of any persons in the vicinity. The operation of any set, instrument, phonograph machine or device during these restricted hours in such a manner, as to be plainly audible at a distance of Twenty (20) Feet from building, structure, premises or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(d) SHOUTING AND WHISTLING:----- Yelling, shouting, hooting, whistling or singing or the making of any loud noise on the public streets, between the hours of 11 p.m. and 7 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling or other type of residence, or of any persons in the vicinity.

(e) ANIMAL AND BIRD NOISES:----- The keeping of any animals or birds which by causing frequent or long continued noise that shall disturb the comfort or repose of any person.

(f) WHISTLE OR SIREN:----- The blowing of any whistle or siren except to give notice of the time, or as a warning of fire or any other type of emergency.

(g) EXPLOSIVES, FIREARMS AND SIMILAR DEVICES:----- The using or firing of explosives, firearms, fire-crackers or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right of way, without first obtaining a special variance or permit from the Estral Beach Village Council.

(h) DEFECT IN VEHICLE OR LOAD:----- The use of any automobile or motorcycle, or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(i)EXHAUSTS;-----The discharge into the open air of the exhaust of any stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

(j)MOTOR VEHICLES:-----Racing the motor of any vehicle unnecessarily or operating any motor vehicle in such manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the pavement or asphalt or other surface, commonly called peeling.

(k)DOMESTIC POWER TOOLS:-----Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, or similar device used outdoors, other than powered snow removal equipment, in residential areas between the hours of Nine (9) p.m. and Seven (7) A.M. the following day on weekdays and before Nine (9) A.M. or after Seven (7)p.m. on Sundays so as to cause a noise disturbance across a residential real property boundary.

SECTION NO. 4-----EXCEPTIONS----- None of the prohibitions shall apply to or be enforced against any Police or Fire Vehicle of the Village or ambulance while engaged upon necessary public emergency business, necessary excavations or repairs to the Dike System, Streets or Village properties by or on behalf of the Village, County or State during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day: the reasonable use of stationary amplifiers or loud speakers in the course of public events which are non-commercial in character.

SECTION NO.5----- PENALTIES-----Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred (500.00) dollars and costs or by imprisonment for not more than Ninety Days (90), or both said fine and said imprisonment.

SECTION NO.6-----SEPARABILITY-----It is the intention of the Village Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village Council that if any provisions of this Ordinance be declared invalid, all other provisions shall remain valid and enforceable. It is further the intention of the Village council that any Ordinance or parts of any Ordinance in conflict with any provision of this Ordinance are hereby repealed.

SECTION NO.7----- ENFORCING AGENCY-----It is the intention of the Village Council that this Ordinance shall be enforced by either the Estral Beach Police Department and or the Estral Beach Ordinance Enforcing Officer and or any other Official Police Agency.

SECTION NO.8----- EFFECTIVE DATE-----This Ordinance shall be in full effect Thirty (30) days after publication thereof.

Ruth Ann Nietubicz  
RuthAnn Nietubicz-Clerk  
Village of Estral Beach

Frank E. Borbely  
Frank E. Borbely-President  
Village of Estral Beach

Moved by Commissioner WIEGAND To adopt Ordinance No.1042  
Seconded By Commissioner MOORE To adopt Ordinance No.1042

ROLL CALL VOTE:MOORE AYE CHAPMAN AYE LILBURN ABSENT  
WEIGAND AYE ACKINSON AYE KNIERIM AYE

Date of public hearing Notice 10/25/79  
Date of public hearing 10/30/79 Date of First Reading 10/30/79  
Date of Adoption 1/8/1980 Date of Publication 1/17/1980

CERTIFICATION:

I, RuthAnn Nietubicz, duly elected Clerk of the Village of Estral Beach, Monroe County, Michigan, do hereby Certify that the above is a true copy of the action taken by the Estral Beach Village Council at their Regular Meeting held on Tuesday the 8th. day of January 1980.

Ruth Ann Nietubicz  
RuthAnn Nietubicz-Clerk