

VILLAGE OF FAIRGROVE  
TUSCOLA COUNTY, MICHIGAN

**ORDINANCE NO. 39**

**UNNECESSARY NOISES**

An ordinance prohibiting unnecessary noises within the Village of Fairgrove.

THE VILLAGE OF FAIRGROVE ORDAINS:

Section 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 Fairgrove is a condition which has existed for some time and the extent and volume of such noises 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, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Village of Fairgrove;
- (c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter 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 the peace and quiet of the Village of Fairgrove and its inhabitants.

Section 2. It shall be unlawful for any person to make, continue or cause to be made or continued any loud noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village of Fairgrove.

Section 3. It shall be unlawful for any person or persons to knowingly assist, abet, allow, permit or encourage any other person or persons to make, continue, or cause to be made or continued any loud noise which either disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village of Fairgrove.

Section 4. The following acts, among others, are declared to be loud, disturbing noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- 1. Horns, signalling devices, etc.: The sounding of any horn or signalling device on any automobile, motorcycle, or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signalling device of any unreasonable loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time. The use of any signalling device except on operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signalling device when traffic is for any reason held up.
- 2. Radios, phonographs, etc.: 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 neighbouring inhabitants or at any time with louder

volume than is necessary for convenient hearing for the person or 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 eleven o'clock (11:00) p.m. and seven o'clock (7:00) a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loud speakers, amplifiers for advertising: The using, operating or permitting to be placed, 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, except by special permit from the village council.
4. Yelling, shouting, etc.: Yelling, shouting, hooting, whistling or signing on the public street, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
5. Animals, birds, etc.: The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
6. Steam whistles: The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper village authorities
7. Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
8. Defect in vehicle or load: The use 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 noise.
9. Tire screaming: Intentionally or by the immoderate operation of a motor vehicle to cause the tires to squeak.
10. Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
11. Construction or repairing of buildings: The erection (including excavating) demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m.; except in case of urgent necessity in the interest of public health and safety, and then only with the permit from the building inspector, which permit may be granted for a period not to exceed three (3) 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 excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest by a denial, 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.
12. Schools, courts, churches, hospitals: The creation of any excessive noise 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 functions of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
13. Hawkers, peddlers: The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighbourhood.
14. 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.
15. Metal Rails, pillars and columns, transportation thereof: The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

16. Pile Drivers, hammers, etc: The operation between the hours of 10:00 p.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 noise.
17. Blowers: The operating of any noise-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 fuller device sufficient to deaden such noise.

Section 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 \$100.00 or by imprisonment for not more than 90 days, or both said fine and said imprisonment.

Section 6. Separability: It is the intention of the Common 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 Common Council that if any provision of this Ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Section 7. This Ordinance shall become effective after publication and expiration of the time prescribed by law.

ADOPTED September 8, 1980.

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VERNON F GEHRLS, PRESIDENT

Attest:

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BARBARA LOU ALDRICH, CLERK