

BARTON HILLS VILLAGE
WASHTENAW COUNTY, MICHIGAN

ORDINANCE NO. 39

AN ORDINANCE TO AMEND ORDINANCE NUMBER 5, NOISE

Barton Hills Village ordains that Ordinance Number 5 is amended to read as follows:

SECTION 1. GENERAL PROHIBITION.

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

SECTION 2. SPECIFIC OFFENSES.

~~Each of the following acts is declared unlawful and prohibited within Barton Hills Village, but this enumeration shall not be deemed to be exclusive, namely:~~

~~(1) — 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.~~

~~(2) — Construction Noises. The erection (including excavating therefor), 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 o'clock a. m. and 6 o'clock p. m. , unless a permit be first obtained from the Village President on a showing of necessity.~~

~~(3) — Sound Amplifiers. Use of any loud speaker, amplifier or other instrument or device, whether stationary or mounted on a vehicle for any purpose, in a public place or on any street or highway, public or private.~~

~~(4) — Engine Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.~~

~~(5) — Blowers. The discharge into the open air of air from any noise creating blower or power fan unless the noise from such blower or fan is muffled sufficiently to deaden such noise.~~

~~(6) — Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.~~

~~(7) — Radio, Television and Musical Instruments. The playing of any radio, television set, phonograph or other sound producing device of like nature, or any musical instrument, in such a manner or with such volume, or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling or of any persons in the vicinity.~~

~~(8) — Shouting and Whistling. Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on any street between the hours of 11 o'clock p.m. and 7 o'clock 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 dwelling or establishment or of any persons in the vicinity.~~

A. The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted:

(1) The operation, between 6:00 p.m. and 8:00 a.m., of power tools or equipment.

(2) The operation, between 10:00 p.m. and 8:00 a.m., of any device for killing, trapping, attracting, or repelling insects or other pests.

(3) The sounding, between 10:00 p.m. and 8:00 a.m., of any bell, chime, siren, whistle or similar device, except to alert persons to the existence of an emergency, danger or attempted crime.

(4) The operation or playing, between 10:00 p.m. and 8:00 a.m., of any radio, television, phonograph, drum or musical instrument.

(5) Construction, repair, remodeling, demolition, drilling or excavation work at any time on a Saturday, Sunday or federal holiday and between 6:00 p.m. and 8:00 a.m. Monday-Friday.

(6) The operation or use between 10:00 p.m. and 8:00 a.m. of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds.

7) Installation or operation of a residential generator producing more than 73 dBA at 7 meters.

B. Notwithstanding paragraph A, a homeowner may operate power tools and engage in construction, repair, remodeling, demolition, drilling or excavation work on the homeowner's property between 9:00 a.m. and 10:00 p.m. any day.

C. A person shall not operate a motor vehicle unless the motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway or street.

D. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use the horn.

E. A person needing to do emergency work outside the limits of paragraph A, may obtain a permit from the Village Superintendent upon providing written documentation demonstrating the need to do the work and that it will involve the least disturbance possible.

SECTION 3. PENALTY.

~~Any person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.~~

Violations of this ordinance are civil infractions punishable by a civil fine up to \$1000.

Adopted: August 8, 2011

Published: August 11, 2011

Effective: August 12, 2011

Cheryl MacKrell, Clerk

Will Boddie, President