



## Noise Control Ordinance

Ordinance # 32

Adopted 11/06/95

An ordinance to secure the public health, safety and general welfare of the residents and Property Owners of the Village of Freeport, Michigan, by the regulation of noise within the Village. To define in certain terms; to permit specific exceptions ; to adopt a parental responsibility provision; to prescribe penalties and remedies; to adopt a severability clause; to provide an effective law.

THE VILLAGE OF FREEPORT, STATE OF MICHIGAN ORDAINS:

### Section 1: TITLE

This ordinance shall be known as “The Village of Freeport Noise Ordinance”.

### Section 2: PURPOSE

An ordinance to regulate unnecessarily or unreasonably loud noises; to secure and promote the public health, comfort, safety, welfare, peace and quiet of the village of Freeport and its inhabitants

### Section 3: SCOPE

This ordinance shall apply to the control of sounds originating from property within the limits of the Village of Freeport unless an exception is set forth in section 7

### Section 4: UNLAWFUL NOISE PROHIBITED

A. It shall be unlawful and it shall be deemed a public nuisance, for any person to unreasonable make, continue or cause to be made or continued any noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities; or that injures or endangers the health, peace or safety of the public within the Village. The following acts, among others, are declared to be unlawful noises in violation of this section and are deemed to be public nuisances per se, but this enumeration shall not be deemed to be exclusive, namely:

- (1) Electronic sound producing and musical instruments, operating, playing or Permitting the operating or playing of any radio, phonograph, television set, amplified or unamplified musical instrument, drum, loud speaker, tape recorder, CD player, or other such sound producing device, in such a manner or with such volume at any time or place as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel,

hospital or residence. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on real property or in a dwelling unit other than that from facie evidence of a violation of this section.

(2) Shouting and whistling. Yelling, shouting, hooting, whistling, singing or making any other loud noises on public streets or paths located within the Village of Freeport between the hours of 11 pm and 7:00 am the following day, or the making of such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensibilities in any office, dwelling, hotel, hospital or residence.

(3) Animals and Birds. Owning, possessing or harboring any animal or bird that frequently or for continued hours howls, barks, meows, squawks or makes other sounds at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensibilities in any office, dwelling, hotel, hospital or residence.

(4) Construction. Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alteration or repair of any building, street or highway, between the hours of 7 pm and 7 am the following day or on Sundays or federal holidays, such that the sound therefrom is plainly audible in any office, dwelling, hotel, hospital or residence or on any residential property other than the property from which the noise emanates or originates with the following exceptions:

(a) Noise from the operating of any tools or equipment used in home maintenance or improvement projects personally conducted by the occupant or owner of an existing residence shall be permitted between the hours of 7 am and 9 pm and on Sundays and federal holidays.

(5) Engines. Operating or permitting the operation of any steam engine or internal combustion engine, whether mobile or stationary, as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensibilities in any office, dwelling, hotel, hospital or residence. This sub paragraph shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower or similar device used outdoors in residential areas between the hours of 7 am and 9 pm the same day, nor shall it prohibit the operation of a state licensed motor vehicle in a manner expressly permitted by state law

## Section 5: EXCEPTIONS

None of the terms or prohibitions of the previous sections shall apply to or be enforced against:

A. Noises usually created by agricultural operations including animals, birds, etc. usually kept in such areas.

B. Noises resulting from any authorized public service department responding to an emergency or acting in an emergency or while performing emergency work. Examples include police vehicles, ambulances, fire engines, etc.

- C. Noises of public or governmental safety signals, warning devices, and emergency devices when used as intended for warnings in case of emergency or danger or when tested and also noises of all fire alarms.
- D. Noises emanating from the discharge of firearms are excluded, provided the discharge of the firearm was authorized under Michigan law and all local ordinances.
- E. Excavation or repair of bridges, streets, highways or other property by or on behalf of the County of Barry, between sundown and 7 am when the public welfare, safety and convenience render it impossible to perform such work during other hours.
- F. Any aircraft operated in conformity with or pursuant to federal law, federal air regulation and air traffic control instruction used pursuant to and within the duly adopted federal air regulations.
- G. Legal firework displays
- H. All lawful railroad operations.

Section 6: PARENTAL RESPONSIBILITY. No parent, guardian or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage, knowingly permit, or by inefficient control allow the minor to violate a provision of this ordinance. Proof that the minor's parent or guardian allowed or encouraged the minor to violate such section.

#### Section 7: PENALTIES AND REMEDIES FOR VIOLATIONS

Except for violation of Section 6, any person violate a provision of the ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail for a period not exceeding ninety (90) days or fined in an amount not to exceed five hundred (\$500.00) dollars plus the cost of prosecution or both. Each day such violation is committed or permitted to continue shall constitute a separate offence and shall be punishable as such. Any person violating Section 6 ("Parental Responsibility") shall be deemed responsible for a civil infraction and shall be fined up to one hundred (\$100.00) dollars plus the cost of prosecution. In addition, any violation of this ordinance shall be deemed a nuisance per se, permitting the Village of Freeport Council, its officers, agents or any private jurisdiction to cause the abatement of such nuisance including injunctive relief.

#### Section 8 : SEVERABILITY

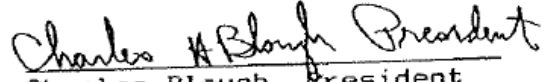
If any section, paragraph, clause, phrase or part of this ordinance is held invalid by any court of competent jurisdiction or by any agency, department or commission empowered statue for such purpose, such decision shall not affect the validity of the remaining provision of this ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

#### Section 9: EFFECTIVE DATE

This ordinance shall become effective twenty (20) days after its passage

Passed and adopted by the Freeport Village Council, Barry County Michigan on the 6<sup>th</sup> day of November, 1995

  
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Joni Morey, Clerk

  
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Charles Blough, President

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