

ORDINANCE NO. 8-10-1989

AN ORDINANCE FOR NOISE CONTROL IN THE VILLAGE OF NASHVILLE

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1. PERSON DEFINED:

As used in this ordinance, the word "person" means any individual, partnership, association, trust, corporation or any other legal entity.

SECTION 2. 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 or others, within the limits of the Village.

SECTION 3. SPECIFIC OFFENSES:

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 AND SIGNALING DEVICES:

The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the village, 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 or unreasonable period of time. The use of any signaling device except one operated by hand or electricity; 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] RADIOS, PHONOGRAPHS AND MUSICAL INSTRUMENTS:

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 neighboring 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 at any time 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.

[C] AMPLIFYING DEVICES:

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 reproduction of sound which is cast upon the public streets.

[D] YELLING, SHOUTING, ETC:

Yelling, shouting, hooting, whistling, or singing on the public streets 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, hotel or other type of residence, or of any persons in the vicinity. Such yelling, shouting, hooting, whistling or singing occurring at any time shall be PRIMA FACIE evidence of a violation of this provision.

[E] ANIMALS AND BIRDS:

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.

[F] 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 or as a warning of fire or danger, or upon request of proper Village authorities.

[G] EXHAUST NOISE:

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from or the alteration or removal of any muffler or other device resulting in the increase of such noise.

[H] 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 noises.

[I] HANDLING MERCHANDISE:

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.

[J] CONSTRUCTION OR REPAIRING OF BUILDINGS:

The erection [including excavation] demolition, alteration or repair of any building other than between the hours of 7 a.m. and dusk on weekdays, except in the case of urgent necessity in the interest of public health and safety, and then only with a 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 the excavation, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of dusk and 7 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of dusk and 7 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

[K] SCHOOLS, CHURCHES, HOSPITALS:

The creation of any excessive noises on any street adjacent to any school, institution of learning or church [or other house of worship] while the same are in use, or adjacent to any hospital, which unreasonably, interferes with the workings 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 or hospital street.

[L] DEVICES TO ATTRACT ATTENTION:

The use of any drum, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention to any business or activity.

SECTION 4. EXCEPTIONS:

None of the terms or prohibitions of sections 2 or 3 of this ordinance shall apply to or be enforced against:

[A] Any police or fire vehicle or any ambulance while engaged in official business.

[B] Excavations or repairs of bridges, streets or highways by or on behalf of the village, county or the state of Michigan, during the night when the public safety, welfare, and convenience renders it impossible to perform such work during the day.

[C] Any noise arising from a community event officially recognized or sanctioned by resolution of the village council.

[D] Any devices used to warn or advise persons as to an actual emergency.

SECTION 5. PENALTY:

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation, and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.00.

SECTION 6. NUISANCE:

Any violation of this ordinance is declared to be a public nuisance.

SECTION 7. EFFECTIVE DATE:

This ordinance shall take effect twenty [20] days after its adoption.

Passed and adopted by the Village Council the 10th day of August, 1989.

John Hughes  
Village President

Rose Heaton  
Village Clerk

YEAS: John Hughes, Ted Spoelstra, Forrest Burd, Sue VanDerske, David Toman, Raymond Hinckley.

NAYS: Larry Filter  
ABSTAIN: NONE  
ABSENT: NONE

I hereby certify that the above Ordinance was published in the Maple Valley News, a newspaper of general circulation in the Village of Nashville, on August 15, 1989.

Dated: August 16, 1989

Rose Heaton  
Village Clerk