



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
(269) 427-9029

ORDINANCE 2021-17

VILLAGE OF BREEDSVILLE EXCESSIVE NOISE ORDINANCE

An ordinance to secure the public health, safety and welfare of the residents and property owners of the Village of Breedsville, Michigan, through the control and regulation of excessive noise in the Village; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

NOW, THEREFORE, THE VILLAGE OF BREEDSVILLE, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1: Title and Designee:

This ordinance shall be known and cited as the Breedsville Excessive Noise Ordinance. The Village is authorized to designate a person to enforce the Ordinance.

SECTION 2: Purpose:

The Village hereby finds that excessive noise has a detrimental effect on the public health, safety, and general welfare of the residents and property owners of Breedsville by disrupting the peace, tranquility, and quiet use of property within the Village.

SECTION 3: Prohibited noises:

- (a) *Generally.* No person shall make, or cause, permit, or allow to be made, upon a public way, or in such close proximity to a public way as to be distinctly and loudly audible upon such public way, any noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, hand-organ, mechanically operated piano, other musical instrument, wind instrument, mechanical device, radio, phonograph, sound amplifying or other similar electronic devices. Any violation of the enumerated acts below constitutes a civil infraction.
- (b) *Enumerated.* The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this article, but this enumeration is not exclusive:
 - (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicles on any street or public place, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound, 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;

- (2) *Radios, phonographs, etc.* Except as otherwise permitted by the Village, the use, operation, or permitting the use or operation of any radio or receiving set, musical instrument, phonograph, or other machine or device designed for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of others in the vicinity, or with a volume louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the device is operated and who are voluntary listeners. The standard for determining a violation of the Ordinance is whether the noise is plainly audible at a distance of 50 feet from the source of the noise. This will be prima facie evidence of a violation of this subsection.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated 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 to attract the attention of the public to any building or structure.
- (4) *Yelling, shouting.* Except as otherwise permitted by the Village, as hereinafter provided, yelling, shouting, hooting, whistling, or singing on the public streets or any other public place, 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.
- (5) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or other motor vehicles except through a muffler or other device which will effectively prevent loud or explosive noises.
- (6) *Defect in vehicle or load.* The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or annoyance.
- (7) *Loading or unloading; opening boxes.* Creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of files, boxes, crates, and containers.
- (8) *Construction or repair of buildings.* The erection (including excavation, demolition, alteration or repair) of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Village, which may be granted for a period not to exceed three days or less while the emergency

continues and which may be renewed for periods of three days or less while the emergency continues. If the Village determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets or highways between the hours of 6:00 p.m. and 7:00 a.m., and if he further determines that loss or inconvenience will result to any party in interest, it may grant permission for the work to be done during the hours of 6:00 p.m. and 7:00 a.m. upon application. If the Village determines that such work actually impairs the public health and safety, then such permit may be revoked by the Village.

- (9) *Schools, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, hospital, or court while the same is in session, which interferes with the work of the institutions or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a street upon which a school, hospital or church or court is located.
- (10) *Hawkers and peddlers.* Shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (11) *Drums for commercial purposes.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by creation of noise.
- (12) *Transportation of materials.* The transportation of any material over the streets and other public places so as to cause loud noises or so as to disturb the peace and quiet of such streets.

(c) *Village approval.*

- (1) Any person, firm, or entity proposing to conduct any activity or operate any sound producing device which is reasonably expected to produce a sound or occur at a time in violation of this section may apply to the Village for a permit to allow such conduct or the use of such device. In determining whether to issue such permit, the Village shall consider:
 - a. The date and time of the proposed conduct.
 - b. The location of the proposed conduct.
 - i. The nature and proximity of other dwellings and/or uses.
 - i. The type of proposed conduct and/or the type of device proposed to be used; and
 - a. The purpose for such conduct or the use of such device.
- (2) The Village shall have the sole discretion to grant or deny any application for a permit. Any permit issued under this section shall apply only to those noises prohibited under subsections (b)(2) and (b)(4) above. Any permit issued by the Village shall specify the date, time, location, and duration of the permitted activity. The Village may impose such other restrictions or conditions upon the issuance of such permit as it may deem appropriate and/or necessary in the interests of the public health and welfare, including a bond.

CERTIFICATION

I further certify that trustee L. Weniger moved for adoption of said Ordinance 2021-17, and that trustee W. Yeager, seconded said motion.

I further certify that the following members voted for adoption of said Ordinance:

and that the following members voted against such Ordinance:

Ayes: L. Weniger, W. Yeager, B. Hibma, T. Weniger, S. Rogusta. Nays: None

I further certify that said Ordinance No 2021-17 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President, and Village Clerk.

Steven Rogusta
Steven Rogusta, Village President

Linda Norton
Village of Breedsville, Clerk

I do hereby certify that a synopsis of this Ordinance No 2021-17, in accordance with statutory requirements, was published on December 19,2021, in the South Haven Tribune, a copy of which is attached hereto.

PASSED AND APPROVED by the Village Board of the Village of Breedsville on this 07 day of December 2021

Linda Norton
Village of Breedsville, Clerk

