

## Chapter 62

### NOISE

#### ARTICLE I

#### Sound-Amplification Systems

#### § 62-3. Exempt activities.

#### § 62-1. Definitions.

#### § 62-4. Penalties.

#### § 62-2. Prohibited operation of amplified sound system.

**[HISTORY: Adopted by the Village Council of the Village of Bellaire as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Nuisances — See Ch. 70.

Vehicles and traffic — See Ch. 114.

#### ARTICLE I

#### Sound-Amplification Systems

**[Adopted 8-6-1998 by Ord. No. 60-1998]**

#### § 62-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**AMPLIFIED SOUND SYSTEM** — A device which produces or amplifies sound either electronically or mechanically and includes but is not limited to radios, phonographs, compact disc players, tape players, televisions, musical instruments, drums, and sound amplifiers.

**HIGHWAY or STREET** — The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**MOTOR VEHICLE** — Every vehicle which is designed to be self-propelled.

**PERSON** — An individual, firm, corporation, association, partnership, limited partnership, estate, trust, limited liability company, or other legal entity.

**SIDEWALK** — That portion of a highway or street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

**VEHICLE** — every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, and specifically includes bicycles and tricycles.

#### § 62-2. Prohibited operation of amplified sound system.

A. No person operating or in control of a parked vehicle or motor vehicle and no

person operating a vehicle or motor vehicle on a highway or other place open to the general public, including an area designated for the parking of vehicles or motor vehicles, shall operate or permit another person to operate an amplified sound system that is clearly audible from the vehicle or motor vehicle by an individual of ordinary hearing ability under either of the following circumstances:

- (1) At a distance of 50 feet from the vehicle or motor vehicle, between the hours of 7:00 a.m. and 10:00 p.m.
  - (2) At a distance of 25 feet from the vehicle or motor vehicle, between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- B. No person between the hours of 10:00 p.m. and 7:00 a.m. the following day shall operate or permit another person to operate an amplified sound system from any real property within the Village that is clearly audible by an individual of ordinary hearing ability at a distance of 25 feet from the boundaries of the property on which the amplified sound system is being operated.
- C. No person shall operate or permit another person to operate an amplified sound system on a highway or sidewalk that is clearly audible by an individual of ordinary hearing ability under either of the following circumstances:
- (1) At a distance of 50 feet from the device producing the sound, between the hours of 7:00 a.m. and 10:00 p.m.
  - (2) At a distance of 25 feet from the device producing the sound, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

**§ 62-3. Exempt activities.**

Section 62-2 shall not apply to the operation of amplified sound systems when used in connection with parades, musical productions or events authorized by the Village, school district, or civic or community organization; to the operation of amplified sound systems by the Village or any police or fire official when used to disseminate official information; and to the operation of amplified sound systems used to give official warnings such as sirens, whistles, bells, or horns as authorized by the state motor vehicle code or the uniform traffic code adopted by the Village.

**§ 62-4. Penalties.**<sup>1</sup>

- A. Municipal civil infractions; penalties. Any person who violates any provision of this article shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 to 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this article is violated shall be considered as a separate violation.
- B. Enforcement officials. Officers of the Bellaire Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to

---

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

issue municipal civil infractions under this article directing offenders to appear in court.

- C. Nuisance per se. A violation of this article is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D. Civil remedies. In addition to enforcing this article through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this article.