

Detroit, Michigan Noise Regulations

CHAPTER 6: ANIMALS

Sec. 6-1-5. - Certain animals declared public nuisance; abatement; animal waste; responsibility for removal of waste; prohibition of unapproved kennels.

(a) Any animal which:

(1)...

(2)....

(3) Unreasonably disturbs or annoys the quiet, comfort, and repose of persons in the vicinity by loud, frequent, habitual, or repeated barking, howling or yelping; or

(4)...

(b) It shall be unlawful for any owner of any animal declared to be a public nuisance to fail to immediately take any available and reasonable measures to abate such a public nuisance upon the oral or written notification of the owner of the animal by any person authorized to enforce the provisions of this chapter.

(c).....

(d) It shall be unlawful for any person to maintain or operate a kennel, or to construct, maintain, or use an accessory building for a kennel, within the City without the approval or a permit from the Building and Safety Engineering Department and approval by the Detroit Health Department.

Sec. 6-1-12. - Violations and penalties

(a) It shall be unlawful for any person to violate any provision of this chapter, or to aid and abet another to violate any such provision.

(b) Any person who violates this chapter may be issued an ordinance violation for each day that the violation continues.

(c) Except as provided in subsection (d) of this section, any person who is found guilty of violating this chapter shall be convicted of a misdemeanor for each ordinance violation that is issued, and, in the discretion of the court, may be fined up to five hundred dollars (\$500.00) and sentenced to up to ninety (90) days in jail, or both, for each ordinance violation that is issued.

(d) Upon conviction for violation of section 6-1-6(a) of this Code or section 6-1-6(e) of this Code, the defendant shall be sentenced to a term of imprisonment of not less than twenty (20) days and shall receive a fine of not less than two hundred and fifty dollars (\$250.00).

CHAPTER 7: AUCTIONS AND AUCTIONEERS

Sec. 7-1-12. - Use of musical instruments, flags, etc., prohibited

No barker or crier, mechanical or electrical musical device, musical instrument, show signal or means of attracting the attention of the public, other than a sign or flag, shall be employed or permitted to be used in connection with any auction sale at or near any place of such sale or at or near any auction room.

CHAPTER 36: NOISE

Sec. 36-1-1. - Unreasonable noise prohibited; restrictions on sound from motor vehicles.

(a) It is unlawful for any person to unreasonably disturb the public peace and quiet, or to unreasonably disturb or annoy the quiet, comfort and repose of persons in the vicinity by shouting or whistling, by loud, boisterous, or vulgar conduct, or by the playing of a compact disc player, musical instrument, phonograph, radio, tape player, television, videotape machine, or any other device, equipment, or instrument that amplifies, produces, or reproduces sound, in any public or private place.

(b) It is unlawful to operate or play a compact disc player, musical instrument, radio, tape player, or any other device, equipment, or instrument that amplifies, produces, or reproduces sound, from any parked or moving motor vehicle in such manner as to be plainly audible at a distance greater than ten (10) feet from the motor vehicle.

Sec. 36-1-2. - Restrictions on outdoor speakers.

It is unlawful to maintain or operate an outdoor speaker that is affixed to any structure or placed upon any property where:

(1) The speaker is audible for a distance of more than fifty (50) feet from the source; or

(2) The speaker is two hundred fifty (250) feet or closer to a location that is zoned or developed for residential use. This restriction shall not apply to intercommunication systems that are utilized from 9:00 a.m. to 6:00 p.m. for the sole purpose of conducting the internal business affairs of the establishment. Further, this provision does not prohibit use of an outdoor speaker where the buildings and safety engineering department, or the board of zoning appeals approves a temporary permit of thirty (30) days or less for religious services, or for a fair, bazaar, festival, carnival or similar use.

Sec. 36-1-3. - Restrictions on use of steam or compressed air whistles; siren whistles prohibited.

(a) *Use by steamboats.* It is unlawful to blow or cause to be blown the steam or compressed air whistle of any steamer that is approaching, docked at, or leaving any wharf in the city except when needed as a danger signal, or as required by the laws or regulations of the United States.

(b) *Use by locomotives.* It is unlawful to blow or cause to be blown the steam or compressed air whistle of any locomotive within the city for the purpose of signaling to other trains except where use of such whistle is prescribed by state law.

(c) *Stationary engine whistles.* It is unlawful to blow or cause to be blown within the city any steam or compressed air whistle for longer than five (5) seconds as a signal for commencing or suspending work, or for any other purpose except as specified in section 36-1-5 of this Code.

(d) *Siren whistles.* The use of siren whistles is prohibited.

Sec. 36-1-4. - Restrictions on the hours of truck driving schools.

Truck driving schools shall not be open or operated on Sunday, or between the hours of 9:00 p.m. and 7:00 a.m. on any other day. For the purpose of this section, the term truck driving school means any entity which, or person who, teaches the technique of driving and operating truck tractors and trailers as defined in Section 1 of the Michigan Vehicle Code, being MCL 257.1; MSA 9.1801.

Sec. 36-1-5. - Exceptions.

This chapter shall not apply to:

- (1) Any noise or music resulting from or accompanying activities of temporary duration that are permitted by this Code;
- (2) Parades and public gatherings for which the city council has granted approval under sections 40-1-25 or 50-9-16 of this Code;
- (3) Alarm systems regulated under Chapter 38, Article XV, of this Code;
- (4) Noise from safety signals and warning devices, including steam or compressed air whistles used as alarm signals; or
- (5) Noise arising from the official performance of duties by the city police and fire departments.

Sec. 36-1-6. - Violations and penalties.

- (a) A person who violates any provision of this chapter is guilty of a misdemeanor for each violation, and, in the discretion of the court, may be fined up to five hundred dollars (\$500.00) and sentenced to a maximum of ninety (90) days in jail, or both, for each violation, except for a violation of section 36-1-1(b) of this Code.
- (b) A first conviction for a violation of section 36-1-1(b) of this Code shall be punishable by a fine of not less than one hundred dollars (\$100.00). A second conviction for a violation of section 36-1-1(b) of this Code shall be punishable by a fine of not less than two hundred dollars (\$200.00). A third or subsequent conviction for a violation of section 36-1-1(b) of this Code shall be punishable by a fine of not less than three hundred dollars (\$300.00) and, in the discretion of the court, up to ninety (90) days in jail.

Secs. 36-1-7—36-1-10. - Reserved.

CHAPTER 41: PEDDLERS, SOLICITORS AND VENDORS

Sec 41-2-10 Use of noise-making devices

- (a) It shall be unlawful for any street vendor to use any noise-making or noise-amplifying device:
 - (1) To attract the attention of prospective patrons when such device is audible more than three hundred (300) feet from its source;
 - (2) When it is attached to a vehicle which is standing;
 - (3) At any time between the hours of 10:00 p.m. and 10:00 a.m.
- (b) Foot vendors, mobile food service establishments, and stationary vendors shall not use any noise-making or noise-amplifying devices during their vending operations.

CHAPTER 55: TRAFFIC AND MOTOR VEHICLES

Sec. 55-4-27. - Operation of snowmobiles prohibited in public places

It shall be a misdemeanor to operate a snowmobile on any street, sidewalk, public park, playground, golf course or parkway.

Sec. 55-7-3. - Horns.

Every motor vehicle, when operated upon a highway, shall be equipped with a horn, in good working order, capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet

Sec. 55-7-4. - Sirens, whistles, etc.

It shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or spark plug whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and any ambulance used for emergency calls may be equipped with a bell, siren or exhaust whistle.

Sec. 55-7-56. - Definitions

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

Decibel means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American National Standards Institute Standard S 1.1-1960.

Decibels on the A-weighted network or *DBA* means decibels measured on the A-weighted network of a sound level meter, as specified in American National Standards Institute Standard S 1.4-1971.

Exhaust system means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

Fast meter response means the meter ballistics of meter dynamic characteristic as specified by American National Standard S 1.4-1971.

Maximum noise means the noise emitted from a vehicle during that manner of operation which causes the highest DBA level possible from that vehicle.

Muffler means a device for abating the sound of escaping gases of an internal combustion engine.

Noise means any sound.

Registered weight means the weight of a motor vehicle specified on the registration, as defined by MCL 257.50 (MSA 9.1850).

Total noise means noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle.

Sec. 55-7-57. - Motor vehicles; places of operation; regulation of noise.

(a) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this division.

(b) For purposes of this division a motor vehicle does not include a special mobile equipment.

Sec. 55-7-58. - Permissible noise limits for operation and sale of vehicles; prohibited operation; prohibited sales and repair of parts exceeding noise limits; sale of used vehicles.

(a) After April 1, 1978, a motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one (1) of the following limits at a distance of fifty (50) feet except as provided in subsections (a)(2)c. and (a)(3)c.

(1) A motor vehicle with a registered weight of eight thousand five hundred (8,500) pounds or more, singly or towing a semitrailer, pole trailer, trailer or a combination of those trailers:

a. Ninety (90) DBA if the maximum lawful speed on the highway or street is greater than thirty-five (35) miles per hour;

- b. Eighty-six (86) DBA if the maximum lawful speed on the highway or street is not more than thirty-five (35) miles per hour;
 - c. Eighty-eight (88) DBA under stationary run up test.
- (2) A motorcycle or a moped as defined by MCL 257.32b (MSA 9.1832(2)):
- a. Eighty-six (86) DBA if the maximum lawful speed on the highway or street is greater than thirty-five (35) miles per hour;
 - b. Eighty-two (82) DBA if the maximum lawful speed on the highway or street is not more than thirty-five (35) miles per hour;
 - c. Ninety-five (95) DBA under stationary run-up test at seventy-five (75) inches.
- (3) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subsections (a)(1) or (a)(2):
- a. Eighty-two (82) DBA if the maximum lawful speed on the highway or street is greater than thirty-five (35) miles per hour;
 - b. Seventy-six (76) DBA if the maximum lawful speed on the highway or street is not more than thirty-five (35) miles per hour;
 - c. Ninety-five (95) DBA under stationary run-up test twenty (20) inches from the end of the tailpipe.
- (b) A dealer shall not sell or offer for sale for use upon a street or highway in the state a new motor vehicle as defined by MCL 257.33a (MSA 9.1833(1)) manufactured after April 1, 1978, which produces a maximum noise exceeding the following limits:
- (1) A motor vehicle with registered weight of eight thousand five hundred (8,500) pounds or more—Eighty-three (83) DBA.
 - (2) A motorcycle or more—Eighty-three (83) DBA.
 - (3) A motor vehicle not covered in subsections (b)(1) or (b)(2)—Eighty (80) DBA.
- (c) A person shall not operate a vehicle on a highway or street if the vehicle has a defect in the exhaust system which affects sound reduction, is not equipped with a muffler or other noise dissipative device, or is equipped with a cut-out, bypass, amplifier, or a similar device.
- (d) A person, either acting for himself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by this division or rules promulgated under this division.
- (e) A person shall not modify, repair, replace or remove parts of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this division, or operate a motor vehicle so altered on a street or highway.
- (f) A dealer shall not sell a used or secondhand motor vehicle as defined by MCL 257.78 (MSA 9.1878) for use upon a street or highway which is not in compliance with this division.

Sec. 55-7-59. - Penalties; waiver of fine; prima facie evidence of violation.

- (a) A person who violates sections 55-7-57 or 55-7-58 is guilty of a misdemeanor punishable by a fine of one hundred dollars (\$100.00).
- (b) The court shall waive the fine upon receipt of certification by a law enforcement agency that repair of the defective equipment was made within fifteen (15) days of issuance of the citation.
- (c) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this division shall be liable to the person who receives a citation for violation of section 55-7-58 for the amount of not less than one hundred dollars (\$100.00), plus reasonable attorney fees and court costs.

(d) If it is shown that the noise level of a motor vehicle is in excess of the DBA levels established in this division, that evidence shall be prima facie evidence that the motor vehicle was producing excessive noise in violation of this division.

(e) A violation of section 55-7-58 by a dealer licensed under this division is prima facie evidence of a fraudulent act under MCL 257.249 (MSA 9.1949).

Sec. 55-7-60. - Rules; test procedures.

(a) Test instrumentation and procedures used for implementation and enforcement of this division shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers, Inc., and the American National Standards Institute, Inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures shall be promulgated by the department of state highways and transportation. The rules may provide for measurement at other than the distance specified in section 55-7-58, provided that the decibel limits applied at the other distances are adjusted accordingly, to meet the standards in section 55-7-58. The rules shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended [MCL 24.201 et seq., MSA 3.560(101) et seq.].

(b) This division occupies the whole field of vehicle noise regulation.

Sec. 55-7-61. - Funds.

Funds shall be appropriated annually to implement this division.

Sec. 55-9-7. - Warning devices required; use of sirens and whistles restricted

No person shall ride a bicycle or motor-driven cycle unless it is equipped with a bell, horn or other device capable of giving a signal audible for a distance of at least one hundred (100) feet; except, that no bicycle or motor-driven cycle shall be equipped with nor shall any person use upon a bicycle or motor-driven cycle any siren or whistle.