

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

**ORDINANCE NO. 84
NOISE CONTROL.**

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF NOISE.

THE VILLAGE OF PORT AUSTIN ORDAINS:

Section 1.

It shall be unlawful for any person to make, continue, or cause to be made or continued any noise which is unreasonably loud. Unreasonably loud noise is defined for the purposes of this ordinance as being any sound of such character, intensity or duration as to be detrimental to the life or health or well-being of any ordinarily reasonable and sensible person. Unreasonably loud noise which arises from the use or operation of any automobile, motorcycle, snowmobile or other vehicle or instrumentality shall be deemed to have been caused or continued by:

- a.) Any person with actual physical control over the vehicle or instrumentality which creates the unreasonably loud noise; or
- b.) Any person who has a right of possession or control over a vehicle or instrumentality and who has actual or constructive notice of the unreasonably loud use of such vehicle or instrumentality.

Evidence that a noise is unreasonably loud is inclusive of but not limited to the following:

- a.) Any noise emitted by a vehicle upon the streets or public right of way of the village which is audible at any time beyond the street or public right of way and audible upon any public or private property adjacent thereto.
- b.) Any noise emitted from private property in such a manner as to be audible upon property owned by another.

Section 2.

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 a manner as to be audible beyond the property line of the premises upon which such radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound is being used is hereby expressly prohibited. It is also hereby expressly prohibited to cause or permit sounds associated with construction in or near residential areas before 7 o'clock a.m. or after 7 o'clock p.m.

Section 3. (Amended September 13, 2004)

Persons violating this ordinance shall be responsible for a Grade B (Level 2) civil infraction. Each and every day of noncompliance is a separate violation.

Section 4.

All other ordinances inconsistent with the provisions of this ordinance to the extent of such inconsistency are hereby repealed.

Section 5.

This ordinance shall become effective ten (10) days after its adoption and publication.

Edwin Korn, Village President

Kay Gordon, Village Clerk

Adopted: July 28, 1997

Effective: Ten days after publication. Published July 31, 1997

Amended: October 11, 2004

Amendment Effective: November 15, 2004