

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

AMENDMENT TO NOISE ORDINANCE

ORDINANCE NO. 240229-C

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on February 29th, 2024 at 7:00 p.m., City Council Member Dean moved to adopt the following ordinance, which motion was seconded by City Council Member Baldwin.

An Ordinance to amend the City of Saugatuck City Code, Title IX, Section 94.04 to update the City's noise ordinance to, among other things, clarify provisions related to the quiet hours and provide examples of violations of this Ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors.

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1: AMENDMENT TO TITLE IX, SECTION 94.04 OF THE CITY CODE. The City of Saugatuck Code of Ordinances, Title IX, Section 94.04 shall be amended and will now read as follows:

§ 94.04 UNLAWFUL NOISE; EXCEPTIONS.

- (A) *Intent and purpose.* The intent and purpose of this section is to promote the public health, safety, and welfare of the residents and visitors of the City by prohibiting noises that would annoy or disturb the quiet, comfort, and repose of a reasonable person of normal sensitivities or disrupt the reasonable conduct of basic human activities.
- (B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
 - (1) **PLAINLY AUDIBLE.** Any sound that can be detected by a person using his or her unaided hearing faculties.
 - (2) **NOISE DISTURBANCE.** Any sound that exceeds the maximum permissible sound levels in this section; that endangers or injures the safety or health of humans or animals; unreasonably annoys or disturbs a person of normal sensitivities; disrupts the reasonable conduct of basic human activities such as conversing or sleeping; or endangers or injures real or personal property.
- (C) *General regulation.* No person, firm or corporation shall cause, create, or continue, or assist in creating any noise disturbance, or as an owner, lessee, or occupant of the property on which the activity is located, permit the continuation of any noise disturbance. Each noise that continues or is repeated in a 1/2-hour time frame may be considered a separate violation of

this section, subject to additional prosecution and civil penalties.

(D) *Specific violations.* The following noise disturbances are hereby declared to be a violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, creates a noise disturbance. Allowing or permitting any dog to bark repeatedly in an area where such barking is plainly audible on the property of another or within a building or dwelling unit other than that upon which it is located, shall be prima facie evidence of a violation.
- (2) *Construction noises.* The erection, excavation, demolition, alteration, or repair of any building, and the excavation of streets and highways, in such a manner as to create a noise disturbance, at any time on Sundays, and on other days except between the hours of 8:00 a.m. and 8:00 p.m., unless a permit has been first obtained from the City Manager, which permit shall limit the periods that the activity may continue.
- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier, or other instrument or device, whether handheld, stationary or mounted on a vehicle, in such a manner or with such volume as to create a noise disturbance. If such a device is plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or if such a device used between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, so as create a noise disturbance.
- (5) *Vehicle noise.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or similar noise, which creates a noise disturbance. Any such noise that is plainly audible on the property of another or within a building or dwelling unit other than that upon which it is located shall serve as prima facie evidence of a violation of this section.
- (6) *Tire Noise.* Intentionally or by the immoderate operation of a motor vehicle to cause tires to squeak or screech, so as to create a noise disturbance.
- (7) *Blowers.* The discharge into the open air of air from any noise-creating blower or power fan in such a manner as to create a noise disturbance.
- (8) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud and boisterous manner so as to create a noise disturbance.
- (9) *Horns and signal devices.* The sounding of any horns or signal device on any automobile, motorcycle, bus, or other vehicle, in a manner that creates a noise disturbance, unless necessary to operate said vehicle safely or as required by the

Michigan Motor Vehicle Code. Horns or signal devices shall not be altered, replaced, or in a state of disrepair so as to create unreasonably loud or harsh sound. The sounding of the horn or signal device for an unnecessary and unreasonable period of time so as to be disturbing to a reasonable person of normal sensitivities shall constitute a noise disturbance and be deemed a violation of this section.

- (10) *Radios, musical instruments, and music playing devices.* The playing of any radio, television set, speaker, musical instrument, or music playing device in such a manner or with such volume so as to create a noise disturbance. The playing of such a device or in such a manner as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or the playing of such a device between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.
 - (11) *Shouting and whistling.* Yelling, shouting, hooting, whistling, speaking loudly, or singing or the making of any other loud noise on the public streets any time so as to create a noise disturbance. The creation of such noises so as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the noise is made, or the creation of such noises between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section
 - (12) *Whistles or sirens.* The blowing of any whistle or siren in such a manner as to create a noise disturbance, except to give notice of the time to begin or stop work or as a warning of fire or danger, or for duly authorized tests.
 - (13) *Fireworks and Explosives.* The ignition, discharge, or detonation of any firework explosive or explosive device, firecracker, shell, consumer firework, or other article whereby the device or article undergoes a rapid chemical reaction with the production of noise, heat and/or violent explosion of gases, except as provided in Section 92.02 of the City Code.
- (E) *Exceptions.* None of the terms or prohibitions of Section 94.04(C) shall apply to or be enforced against:
- (1) Any government owned or operated police or fire vehicle or any ambulance, while engaged in emergency business.
 - (2) Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan.
 - (3) Warning devices emitting sound for warning purposes as authorized by law.
 - (4) Customary lawn maintenance equipment for residential use, such as lawn mowers, leaf blowers, and chain saws, if the equipment is in good working order and is being operated between the hours of 8:00 a.m. and 8:00 p.m.

- (5) Snow blowers and other snow removal equipment engaged in the removal of snow, if the equipment is in good working order and reasonable precautions are taken to minimize disruptions to the public.
- (6) City street and sidewalk maintenance equipment or snow removal equipment and such equipment used by a school or hospital or medical care facility or their agents.
- (7) The operation of any equipment used for the control of mosquitoes, when authorized by the City as part of an approved mosquito control program.

SECTION 2: REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY. If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

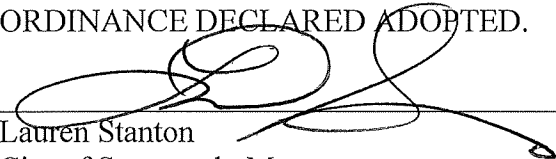
SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective immediately upon publication.

YEAS: Anderson, Baldwin, Deans, Gardner, Stanton, White.

NAYS: Muncey

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.



Lauren Stanton
City of Saugatuck, Mayor

CERTIFICATION

I, Jamie Wolters, being the duly elected and acting Clerk of the City of Saugatuck, Allegan County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the City Council at a regular meeting held on 2-29, 2024, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the City, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.



City Clerk
Jamie Wolters