

rec'd 7/97 OVF NOISE
MILAN

§ 13-83

MILAN CODE

§ 13-84

(e) Any person who shall have in his possession a dog and/or cat which has contracted rabies or which has been subjected to rabies, or which is suspected of having rabies, or which has bitten any person, shall upon demand of the police department or the health officer, produce and surrender up such dog and/or cat to be held for observation for such period of time as is determined to be necessary by a veterinarian licensed by the State of Michigan.

(f) Every person who owns or harbors a dog and/or cat which has been attacked or bitten by another dog and/or cat or other animal showing the symptoms of rabies shall immediately notify the police department of his or her possession of such dog and/or cat.

(g) Violation of any provision of this section shall constitute a municipal civil infraction. Upon an admission or determination of responsibility for such municipal civil infraction, the violator shall be subject to a civil fine and costs in amounts specified in the Official Municipal Civil Infraction Fines and Costs Schedule adopted by resolution of the city council.

(Ord. No. C.O. 95-1, § 21, 1-23-95)

ARTICLE V. NOISE CONTROL

Sec. 13-84. Noise control generally.

Each of the following acts is declared to constitute a municipal civil infraction and be prohibited, 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, shall disturb the comfort or repose of any person.
- (2) *Construction noises.* The erection (including excavating therefor), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays, and other days except between the hours of 7:00 a. m. and 6:00 p. m., unless a permit is first obtained from the city.
- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier or other instrument or device, whether stationary or mounted on a

vehicle for any purpose, except by speakers in the course of a public address which in noncommercial in character, shall be subject to the following restrictions:

- a. A permit from the city must first be obtained.
 - b. Sound amplification permitted shall be limited to music or human speeches.
 - c. The permitted hours shall be limited to between the hours of 11:30 a. m. and 6:30 p. m., each day, excepting on Sundays and legal holidays during which no such use, other than the above excepted, shall be permitted.
 - d. Sound amplifying equipment mounted on vehicles shall not be operated unless the vehicle upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when the vehicle is stopped or impeded by traffic.
 - e. Sound amplification equipment shall not be used within one hundred (100) yards of schools or churches.
 - f. The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound amplifying equipment and so that it is not unreasonably loud, raucous, jarring, disturbing, or otherwise a nuisance to persons within the area of audibility.
 - g. No sound amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary, internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (5) *Handling merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.
- (6) *Blowers.* The discharge into the open air from any noise-creating blower or power fan unless the noise from such blower or fan is muffled sufficiently.

- (7) *Hawking*. The hawking of goods or merchandise, of any type, in a loud and boisterous manner.
 - (8) *Radio and musical instruments*. The playing of any radio, television set, phonograph, or any musical instrument in such volume, particularly during the hours between 11:00 p. m. and 7:00 a. m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, place of worship, school, dwelling unit, or other type or residence, or of any person in the vicinity.
 - (9) *Shouting and whistling*. Yelling, shouting, hooting, whistling, or singing or the making of any other loud noise on the public streets between the hours of 11:00 p. m. and 7:00 a. m., or the making of any such noise at any time as to disturb the quiet, comfort or repose of persons in any office, place of worship, school, dwelling unit, or other type or residence, or of any person in the vicinity.
 - (10) *Whistle or siren*. The blowing of any whistle or siren, excepting the duly authorized sounding of a whistle or siren to give notice of the time to begin or stop work, for which a permit from the city setting forth reasonable controls has been issued, or as a warning of fire or danger.
- (Ord. No. C.O. 82-9, § 1, 10-12-82; Ord. No. C.O. 95-1, § 22, 1-23-95)

Sec. 13-85. Exceptions to section 13-84.

None of the terms or prohibitions of section 13-84 shall apply to or be enforced against:

- (a) *Emergency vehicles*. Any police or fire vehicle or any ambulance, while engaged upon emergency business.
 - (b) *Highway and construction*. Excavations or repairs of bridges, streets, or highways by or on behalf of the City of Milan or State of Michigan.
- (Ord. No. C.O. 82-9, § 1, 10-12-82)

Sec. 13-86. Municipal civil infraction; penalty.

Violation of any provision of this article shall constitute a municipal civil infraction. Upon an admission or determination of

responsibility for such municipal civil infraction, the violator shall be subject to a civil fine and costs in amounts specified in the Official Municipal Civil Infraction Fines and Costs Schedule adopted by resolution of the city council.

(Ord. No. C.O. 82-9, § 1, 10-12-82; Ord. No. C.O. 95-1, § 22, 1-23-95)

Secs. 13-87–13-89. Reserved.

ARTICLE VI. MOTORBOATS

Sec. 13-90. Operation of motorboats.

(a) Any motorboat, launch or other watercraft, the motive power of which is an internal combustion engine using gas, gasoline, naphtha or other like energy, operated on the inland waters within the city shall be equipped with a stock factory muffler, underwater exhaust or other modern or improved device capable of adequately muffling the sound of the exhaust of such engine. Such muffler shall be kept and remain closed, and such exhaust or device shall be kept in proper working order by any person operating or in charge of such motorboat, launch or other watercraft, at all times when such engine is in operation, except in a publicly announced and properly supervised motorboat race, regatta or speed trial. The term "capable of adequately muffling the sound of the exhaust of such engine," as used in this section, shall be construed to mean that the motor's exhaust shall at all times be so muffled or suppressed as not to disturb the peace and quiet of persons in the locality.

(b) No such motorboat shall be operated on any of the inland waters within the city in a reckless manner or at an excessive rate of speed so as to endanger the life or property of any person in or on such waters, having due regard to the presence of other boats, bathers, persons engaged in fishing, or objects in or on such waters and of any other conditions then existing. No person shall operate such motorboat on such waters at a rate of speed greater than will permit him to bring it to a stop within the assured clear distance ahead. Provided, that nothing herein contained shall be