

ORDINANCE NO. 171

AN ORDINANCE TO REGULATE AND PROHIBIT THE MAKING AND CREATION OF EXCESSIVE OR UNUSUALLY LOUD NOISES IN THE CITY OF LUNA PIER, TO ESTABLISH MAXIMUM ALLOWABLE NOISE LEVELS, TO PROVIDE FOR THE ENFORCEMENT OF THESE LEVELS, TO EXEMPT CERTAIN ACTIVITIES AND TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF LUNA PIER ORDAINS:

1. TITLE.

This Ordinance shall be known, identified and cited as the City of Luna Pier Noise Ordinance.

2. FINDINGS AND DECLARATIONS OF FACTS, PURPOSE.

The City of Luna Pier hereby declares that at certain levels, noise is detrimental to public health, comfort, convenience, safety and welfare of the citizens of Luna Pier. This Ordinance is enacted to protect, preserve and promote the health, welfare, peace and quiet of the citizens of Luna Pier through the reduction, prohibition and regulation of noise. By this Ordinance, the City of Luna Pier intends to establish and provide for sound levels that will eliminate unnecessary and excessive noise, including but not limited to noise from radio and musical instruments and the operation of electronically amplified sound system, both inside residence and inside motor vehicles, and to establish standards that will promote a comfortable enjoyment of life, property and conduct of business, and prevent sound levels which are physically harmful and detrimental to individuals and the community.

3. GENERAL PROHIBITION OF NOISE AND SOUND.

3.1 Use or Operation of Stereos, Sound System or any other Electronically Amplified Sound System in Motor Vehicles.

No person operating or in control of a parked or moving vehicles, including motorcycles and mopeds, shall operate or permit the operation of an electronically amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 10:00 p.m. or which is clearly audible at a distance of twenty five (25) feet from the vehicle between the hours of 10:00 p.m. and 7:00 a.m.

3.2 Use or Operation of Radios, Phonographs and Similar Devices.

No person shall use, operate or permit to be played, any radio receiving set, musical instrument, television set, phonograph, computer operated device or other electronically-amplified sound system, machine or device for the production or reproduction of sound, in such a manner

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or with such volume, particularly during the hours of 10:00 p.m. to 7:00 a.m. but at any time or place, so as to disturb the quiet, comfort or repose of any person or persons in any office, business, residence or dwelling or any persons in the vicinity.

3.3 Noise From Vehicle Generally.

The use of any truck, automobile, motorcycle, or other vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise is prohibited.

3.4 Repairing, Rebuilding or Testing Vehicles.

The repairing, rebuilding or testing of any truck, automobile, motorcycle or other motor vehicle within the City, in such a manner as to disturb the quiet, comfort or repose of any person, is prohibited.

3.5 Unmuffled Exhaust from Engine or Motor, Modifying Noise Abatement Device on Engine or Motor.

The discharge into the open air, of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited. Modifying any noise abatement device on any motor vehicle or engine in a manner so that the noise emitted by such vehicle or engine exceeds that which was emitted as originally manufactured shall be a violation of this section.

3.6 Construction Noise.

Between the hours of 10:00 p.m. and 7:00 a.m., the performing of any construction or repair work on buildings, structures or projects, or the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device, in such a manner as to disturb the quiet or repose of any person is prohibited.

3.7 Jake Brake.

The use or operation of a Jake Brake by an operator of a Semi Tractor is prohibited.

3.8 Homeowners Outdoor Equipment.

Between the hours of 10:00 p.m. and 7:00 a.m. the operation of any engine or motor-powered or maintenance tools intended for the use in residential areas, typically capable of being used by homeowners, such as power

mowers, garden tools, riding tractors, power saws, edger, etc. in such a manner as to disturb the quiet, comfort or repose of any persons, is prohibited.

3.9 Yelling, Shouting, Hooting or Singing.

No person or persons shall create, continue, or cause to be created any yelling, shouting, hooting, or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to upset or disturb the quiet, comfort or repose of any person in the vicinity.

4. PENALTIES AND ENFORCEMENT.

4.1 Violations a misdemeanor.

Any violation of this ordinance is a misdemeanor, and any person convicted of a violation by a court of competent jurisdiction shall be fined an amount not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than ninety (90) days, or both except as hereinafter provided.

4.2 Enforcement.

4.2-1 Enforcement Officers.

This Ordinance shall be enforced by the City of Luna Pier Chief of Police, all police officers of the City of Luna Pier, and any other persons duly designated and authorized by the City of Luna Pier Council.

4.2-2 Rules and Regulations.

The City Council may promulgate and adopt rules and regulations deemed necessary for proper and effective implementation and enforcement of this Ordinance, provided such rules and regulations shall be consistent with the provisions of this Ordinance and the standards established herein.

4.3 Injunctive Relief.

As an additional remedy, any violation of this Ordinance is declared to be a public nuisance, subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Any person having standing may enforce the provisions of this Ordinance, including an application for injunctive relief.

5. SEVERABILITY.

If any section, subsection, clause or phrase of this Ordinance is, for any reason, declared to be unconstitutional by a court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

6. REPEAL.

Any part of an Ordinance inconsistent with this Ordinance is hereby repealed.

7. EFFECTIVE DATE.

This Ordinance shall be in full force and effective ten (10) days after a summary has been published as required by law.

I, Rose M. Laderach, Clerk, City of Luna Pier, do hereby certify, that the foregoing ordinance was duly adopted at the regular meeting of the Luna Pier City Council held on April 12, 2001.

Rose M. Laderach, Clerk
City of Luna Pier

ADOPTED: 04/12/01

PUBLISHED: 04/28/01

EFFECTIVE: 05/08/01