

ORDINANCE NO. 125

AN ORDINANCE TO REGULATE THE PLAYING OR OPERATION OF AN AMPLIFIED SOUND SYSTEM IN THE VILLAGE OF DECATUR, MICHIGAN AND TO PROVIDE FOR A CIVIL FINE FOR VIOLATION THEREOF.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: DEFINITION OF AMPLIFIED SOUND SYSTEM. Amplified sound system means a radio, phonograph, compact disc player, tape player, television, musical instrument, drum, sound amplifier, or similar device which produces, reproduces, or amplifies sound either electronically or mechanically.

Section 2: UNNECESSARY NOISE DISTURBANCE PROHIBITED. In order to protect the public health, safety and welfare of the residents of the Village of Decatur, Michigan:

A. No person shall operate, play, or permit the operation or playing of an amplified sound system which produces, reproduces or amplifies sound;

1. In such a manner as to be plainly audible across a property line.

2. In such a manner as to be plainly audible at a distance of 25 feet from an amplified sound system which is located in a Village park, or on Decatur Public School property, or any other area open to the general public, except when authorized by the Village Council of the Village of Decatur, Michigan or at a function authorized by Decatur Public Schools.

3. For the purpose of attracting attention to any performance, show, sale or display of merchandise, without the consent of the Village Council of the Village of Decatur, Michigan.

B. No person operating or in control of a parked or moving vehicle (including all motor vehicles, motorcycles, mopeds, and bicycles) shall operate, play, or permit the operation or playing of an amplified sound system which produces, reproduces, or amplifies sound in such a manner as to be plainly audible at a distance of 25 feet from such motor vehicle, motorcycle, moped, or bicycle, which is located on a public road, public right-of-way, private road, or other place open to the general public or generally accessible to motor vehicles, including an area designated for parking of motor vehicles.

Section 3: EXCEPTION. The provisions of this Ordinance shall not apply to any warning devices on authorized police, fire, ambulance or other emergency vehicles, or to loud speakers used by authorized police, fire, ambulance or other emergency personnel, or to horns or other warning devices of other motor vehicles, motorcycles, mopeds and bicycles when used solely for traffic safety purposes.

Section 4: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 5: VIOLATION AND PENALTIES. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred and 00/100 (\$500.00) Dollars, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being M.S.A. 27A.8302 and 27A.8701 et seq., respectively.

Section 6: EFFECTIVE DATE. This Ordinance shall become effective the 22nd day of June, 1998.

Adopted by the Village Council of the Village of Decatur, Michigan on this 1st day of June, 1998.