

AN ORDINANCE to prohibit unlawful noise and sounds and setting forth certain prohibited acts and to provide for a penalty for the violation thereof.

THE CITY OF HAMTRAMCK ORDAINS:

Section 1. Unlawful noises prohibited. That it shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any excessive, unnecessary, or unusually loud noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the City. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive. EACH SUCH ACT WHICH EITHER CONTINUES OR IS REPEATED MORE THAN ONE-HALF ($\frac{1}{2}$) HOUR BEYOND ITS INCEPTION SHALL BE CONSIDERED AND MAY BE PROSECUTED AS A SEPARATE VIOLATION OF THIS CHAPTER.

A. Horns and Signal Devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, train or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or if in motion, only as a danger signal after or as brakes are being applied or decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time;

B. Radio, Phonograph, Musical Instruments. The playing of any radio, phonograph, television set, amplified or unamplified musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital, or other type of residence, or of any person in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prime facie evidence of a violation of this section;

C. Shouting and Whistling. Yelling, Shouting, Hooting, Whistling, Singing or the making of any other loud noises on the public streets, between the hours of ~~12:00~~ P.M. and 7:00 A.M., or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in any office or of any persons in the vicinity;

D. Hawking. The hawking of goods, merchandise, or newspapers in a loud or boisterous manner;

E. 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;

F. Whistle of Siren. The blowing of any whistles or sirens, except to give notice of the time to begin or stop work or as a warning of fire, or danger;

G. Engine Exhaust. The discharge into the open air of the exhaust of any steam engine, or stationary internal combustion engine, except through a muffler or other device which effectively prevents loud or explosive noises therefrom;

H. Construction Noises. The erection (including excavation therefore); 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 8:00 P.M., unless a permit therefor be first obtained from the Hamtramck Building Superintendent.

I. Handling Merchandise. The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

J. Devices to Attract Attention. The use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention for any purpose.

Section 2. That if any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this article, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall become effective after its adoption by the City Council of the City of Hamtramck and upon publication thereof.

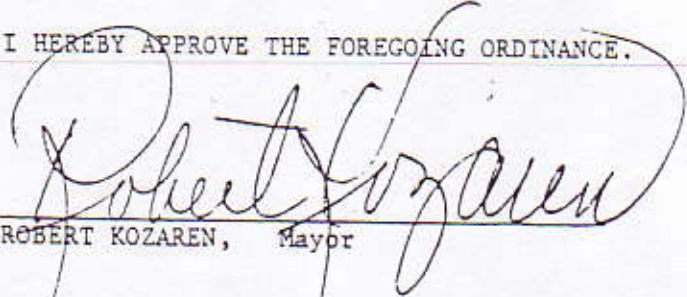
Section 5. That any person violating any of the provisions of this ordinance shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) Dollars or to imprisonment for a period of not more than ninety (90) days or to both such fine and imprisonment in the discretion of the Court.

I HEREBY CERTIFY that the attached is a true and complete copy of an Ordinance adopted by the City Council of the City of Hamtramck, County of Wayne, and State of Michigan, at a Regular Meeting held on the 13th day of July, A.D., 1989.



ETHEL FIDDLER, City Clerk

I HEREBY APPROVE THE FOREGOING ORDINANCE.



ROBERT KOZAREN, Mayor

Date Signed by Mayor: July 14, 1989

**CITY OF HAMTRAMCK
ORDINANCE 503**

AN ORDINANCE TO AMEND ORDINANCE NO. 434

The City of Hamtramck ordains that:

Section 1. Ordinance No. 434 amended.

Section 1 of Ordinance No. 434 shall be amended to add Subsection K, which shall read as follows:

1. The City shall permit "call to prayer" "church bells" and other reasonable means of announcing religious meetings to be amplified between the hours of 6:00 a.m. and 10:00 p.m. for a duration not to exceed five minutes.
2. The City Council shall have sole authority to set the level of amplification, provided however, that no such level shall be enforced until all religious institutions receive notice of such levels.
3. All complaints regarding alleged violations of this Section shall be filed with the City Clerk and placed on the agenda of the next regular meeting of the Common Council. The Common Council shall take all appropriate action they deem necessary to alleviate the complaints, with such action to include, but not be limited to, an order to reduce the volume or an order to change the direction of the amplification or an order to terminate use of amplification. If the Common Council deems that the means of announcing religious meetings must be reduced, the Council shall amend this Ordinance. The Council may also determine that a complaint is without justification and choose to take no action on the complaint; if such determination is made, such decision shall be made by resolution of the Common Council.
4. This section shall supersede all other ordinances of the City that may conflict herewith.

Section 2. Severability

The invalidity of any clause, sentence, paragraph, or part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance.


Section 3. Repeal clause.

All ordinances in conflict with this Ordinance are hereby repealed to the extent of their conflict.

Section 4. Effective date.

This Ordinance is effective twenty days after publication by the City Clerk in manner provided by law.

ENACTED APRIL 27, 2004
PUBLISHED MAY 6, 2004


Robert J. Cwierniewicz, CMC
Hamtramck City Clerk

I hereby approve the foregoing ordinance.


Thomas Jankowski, Mayor