

0-01-26

AN ORDINANCE
of the City Council of the City of Berkley, Michigan, to amend Section 74-1 through 74-12
of Chapter 74, Noise, of the Berkley City Code to allow for the regulation of sound and
sound emitting devices by providing specific definitions and measurable decibel and sound
pressure levels, and to remove and modify redundant language and provisions.

THE CITY OF BERKLEY ORDAINS:

CHAPTER 74 – NOISE

ARTICLE I - AMENDMENT

Sec. 74-1 – Prohibition generally - shall be re-titled Definitions and shall be amended to read as follows:

~~(a)It will be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.(b)Each of the acts enumerated in this chapter is declared unlawful and prohibited, and violators will be responsible for a municipal civil infraction, but this enumeration will not be deemed to be exclusive.~~

The following words, terms and phrases, when used in this article, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial area means any parcel of land zoned Community Centerpiece, Downtown, Flex, Gateway Corridor, Woodward Corridor, or Cemetery.

Decibel (dB) means a unit measure of sound level.

Residential area means any parcel of land zoned R-1AB, R-1CD, R-2, R-M, R-M-H.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter. Audible sound occurs over a wide frequency range, from approximately twenty (20) Hertz (Hz) to twenty thousand (20,000) Hz. Human hearing responds differently to lower frequency (pitch) sounds, so they sound equally as loud as higher frequency sounds with a much higher decibel level. To account for this variation in frequency and sensitivity of human hearing, a weighting is applied to sound level measurements, called A-weighted decibels, or dB(A).

Sound pressure means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound Levels by Receiving Land Use		
Receiving Land Use Zoning	Time	Sound Level Limit (db(A))
Residential	11:00pm-7:00am	60dba
	7:00am-11:00pm	70dba
Commercial	11:00pm-7:00am	60dba
	7:00am-11:00pm	80dba

Sec. 74-2. - Exceptions to chapter provisions.

None of the terms or prohibitions of this chapter will apply to or be enforced against:

- (1) Emergency vehicles. Any police or fire vehicle or any ambulance while engaged upon emergency business; and
- (2) Highway maintenance and construction. Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

Sec. 74-3 - Shouting and whistling - shall be deleted in its entirety.

~~Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public street, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to~~

Sec. 74-4. - Radio and musical instruments - shall be deleted in its entirety.

~~The playing of any radio, television set, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 10:00 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 or in any dwelling, hotel or other type of residence, or of any persons in the vicinity is prohibited.~~

Sec. 74-5. - Horns and signal devices - shall be deleted in its entirety.

~~The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended, the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary and unreasonable period of time, is prohibited.~~

Sec. 74-6. - Engine exhausts – shall be renumbered Sec. 74-3 and read as follows:

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, is prohibited.

Sec. 74-7. - Handling merchandise - shall be deleted in its entirety.

~~The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is prohibited.~~

Sec. 74-8. - Whistle or siren - shall be deleted in its entirety

~~The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of fire or danger, is prohibited.~~

Sec. 74-9. – Blowers - shall be deleted in its entirety”.

~~The discharge into the open air of air from any noise-creating blower or power fan, unless the noise from such blower or fan is muffled sufficient to deaden such noise, is prohibited.~~

Sec. 74-10. – Construction – shall be renumbered Sec. 74-4 and read as follows:

The erection (including excavating therefor), demolition, alteration or repair of any building and the excavation of streets, highways and public or private areas is prohibited on Sundays except between the hours of 9:00 a.m. and 6:00 p.m., and is prohibited 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 manager.

Sec. 74-11. - Sound amplifiers - shall be deleted in its entirety.

~~It will be unlawful to use any loudspeaker, amplifier or other instrument or device mounted on a vehicle or within a vehicle for any purpose except by speakers in the course of a public address which is noncommercial in character and, when so used, will be subject to the following restrictions:~~

~~(1)Only after registration with the department of public safety for each separate occasion of use.~~

~~(2)The only sounds permitted are music or human speech.~~

~~(3)Operations are permitted for six hours each day, except on Sundays and legal holidays, when no operations will be authorized. Election day will not constitute a legal holiday within the meaning of this section. The permitted six hours of operation will be within the hours of 10:30 a.m. and 1:30 p.m., and between the hours of 4:00 p.m. and 7:00 p.m.~~

~~(4)Sound-amplifying equipment mounted on vehicles will not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten miles per hour except when the truck is stopped or impeded by traffic. Where stopped by traffic, the sound-amplifying equipment will not be operated for longer than one minute at each stop.~~

~~(5)Sound will not be issued within 100 yards of hospitals, schools, churches or courthouses.~~

~~(6)The volume of sound will be controlled so that it will not be audible for a distance in excess of 40 feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to the persons within the area of audibility.~~

~~(7)No sound-amplifying equipment will be operated with an excess of 15 watts of power in the last state of amplification.~~

Sec. 74-12. - Volume of radios and televisions - shall be deleted in its entirety.

~~(a) No person will operate a radio or television unless the volume of sound will be controlled so that it will not be audible for a distance of 40 feet from the device and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility. (b) No person will suffer or permit any radio or television located on premises under his care, custody or control to be operated in violation of subsection (a) of this section.~~

ARTICLE II – SEVERABILITY.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

ARTICLE III - EFFECTIVE DATE.

This Ordinance shall take effect following publication in the manner prescribed by law.

ARTICLE IV: REPEALER.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect

ARTICLE V: ADOPTION.

This Ordinance is hereby declared to have been adopted by the Berkley City Council at a meeting thereof duly called and held on the ____ day of _____, 2026, and ordered to be given publication in the manner prescribed by the law.

BY: _____

BY: _____