

Bear Lake Village Ordinance No. 2003.03
ANTI-NOISE ORDINANCE

An ordinance to secure the public health, safety and general welfare of the residents and property owners of the Village of Bear Lake, Manistee County, Michigan, by the regulation of noise within said Village; to prescribe penalties for the violation thereof and to repeal all ordinances, or parts of ordinances, in conflict therewith.

THE VILLAGE OF BEAR LAKE ORDAINS:

Section : Title

This ordinance shall be known and cited as the Village of Bear Lake Anti-Noise Ordinance.

Section : Anti-Noise Regulations

A. No person, firm, or corporation shall cause or create any unreasonable or improper noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Village of Bear Lake.

B. The following noises and disturbances are hereby declared to be a violation of this ordinance, provided however, that the specification of the same is not thereby construed to exclude other violations of the ordinance, not specifically enumerated:

1. The playing of any radio, or any musical equipment in such an excessive manner, or with such violence, as to annoy or disturb the quiet, comfort, or repose of other persons.
2. Excessive sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle for any purpose, other than to avoid accident or collision, the yelling or shouting on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, so as to annoy persons in the vicinity.
3. The keeping of any animal, which emanates frequent or extended noise which would disturb the quiet, comfort, or repose of any person in the vicinity.
4. The operation of any machinery, automobile, motorcycle, or other vehicle, so out of repair, so loaded or constructed as to cause loud and unnecessary grafting, grinding, rattling, exhausting, or other noise, disturbing to the quiet, comfort, or repose of other persons.
5. The erection, excavation, demolition, alteration, or repair of any building or premises in such a manner as to emanate noise or disturbance, unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on week days, except in the cases of urgent receipt of a permit therefor from the Village, which permit shall limit the period that the activity may continue.

C. None of the prohibitions hereinbefore enumerated shall apply to any of the following:

1. Any police vehicle, ambulance, fire engine, or emergency vehicle, while engaged in

necessary emergency activities.

2. Excavation of, repair of, winter maintenance of streets or highways by, or on behalf of, the Village of Bear Lake, State of Michigan, or County of Manistee, when the public welfare, safety, and convenience render it impossible to perform such work during other hours.

D. The determination of whether any noise or disturbance is a violation of the provisions of this ordinance shall be subject to review by the Village Council. If the complaint is found to be justified, the Village Clerk shall be instructed to make a written notification to the party or parties judged to be in violation of this Ordinance and enclose a copy of the Ordinance. Thereafter, if the violation is not corrected prior to the next regular Village Council Meeting, enforcement shall be by Order of the Village President (in the capacity as Ordinance Enforcement Officer as prescribed in the General Law Village Act), or his agent. The alleged violator may, within ten (10) days after such determination by the President or his agent, make proper application for review of ^L_{SEP} compliance by the Village Council. Thereafter, in the absence of any arbitrary, capricious, or discriminatory decision by the Village Council, such decision shall be conclusive and final.

Section : Validity

The several provisions of this ordinance are declared to be separate and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity, or any other section or portion.

Section : Penalties for Violations

Any person, firm, or corporation, found violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine, not to exceed One Hundred (\$100.00) Dollars. Each day that a violation continues shall constitute a separate offense. The provisions of this ordinance may also be enforced by suit for injunction, damages, or other appropriate action.

Section: Publication

This ordinance shall be published within fifteen (15) days after its passage and shall become effective thirty (30) days from the date of its passage.

Adopted this 12th day of August, 2003.

This ordinance was duly adopted on 12th day of August, 2003, at a regular meeting of the Village Commission and will become effective 11th day of September, 2003.

Date: 12th day of August, 2003

Signed: Glen Moore, Village President