

VILLAGE OF LAKEVIEW  
MONTCALM COUNTY, MICHIGAN  
ORDINANCE NO. 01-03

Adopted: 9-10-01

Published: 9-18-01

Effective: 9-19-01

AN ORDINANCE TO AMEND ORDINANCE NO. 41 TO ADD A NEW SECTION 6A TO PROHIBIT THE MAKING, CREATION OR MAINTENANCE OF SUCH UNREASONABLY LOUD, DISTURBING OR UNNECESSARY NOISES DETRIMENTAL TO THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY AND GENERAL WELFARE WITHIN THE VILLAGE OF LAKEVIEW.

THE VILLAGE OF LAKEVIEW ORDAINS:

hereby ~~Section 6A~~ Amendment. Ordinance No. 41 entitled the "Disorderly Conduct Ordinance", new section shall read in its entirety as follows:

SECTION 6A: PROHIBITION ON UNREASONABLE NOISE

I. DEFINITION. As used in this Section the phrase "unreasonably loud, disturbing or unnecessary noise" shall mean noise, sound, or vibration which is plainly audible at a distance of one hundred (100) feet from the building, structure, vehicle, or place from which the sound is emanating and shall be prima facie evidence of a violation of this Ordinance.

II. GENERAL PROHIBITION. It shall be unlawful for any person, firm, or corporation to create, assist in creating, permit, or continue to permit an unreasonably loud, disturbing, or unnecessary noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the Village.

III. ELECTRONIC DEVICES. It shall be unlawful for any person, firm, corporation to play, use, operate, or permit the playing, use, or operation of any radio, "boom box", receiving set, stereo, musical instrument, electrically amplified sound system, or other electronic sound device inside or outside of a building, structure, parked or moving vehicle (including motorcycles and mopeds), so as to create an unreasonably loud, disturbing or unnecessary noise which disturbs injures or endangers the comfort, repose, health, peace, or safety of others within the limits of the Village.

IV. ENGINE EXHAUST. It shall be unlawful for any person, firm, or corporation to create, assist in creating, permit, or continue to permit an unreasonably loud, disturbing, or unnecessary noise which disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the Village through discharging into the open air the exhaust if any steam engine, stationary internal combustion engine or motor vehicle (including motorcycles and mopeds), including the use of jake brakes from semi-tractors, except through a muffler or other device which device effectively prevents such noises.

V. EXEMPTIONS. The provisions of Section 6A:A apply to all unreasonably loud, disturbing, or unnecessary sources of noise except:

- a. Motor vehicles as defined in the Michigan Vehicle Code of 1949, MCLA 257.1 et seq; MSA 9.1801 et seq. lawfully in operation of a public right of way.
- b. Emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.
- c. Sound made to alert persons to the existence of an emergency, danger, or attempted crime.
- d. Activities or operations of governmental units or agencies.
- e. Athletic, musical, or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities.
- f. Home repair, construction, or maintenance activities between the hours of 7:00 AM and 8:00 PM.

VI. PARENTAL RESPONSIBILITY, ASSISTING VIOLATION. Any parent, guardian or other person having the care or custody of any minor who permits, suffers, allows, or encourages such minor to violate the provisions of this ordinance, or any other person of the age eighteen (18) or over to violate the provisions of the ordinance is guilty of a misdemeanor.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional be a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect twenty (20) days after its adoption or upon its publication, whichever occurs first.

The foregoing Ordinance was offered by Village Councilmember Rasmussen, supported by Village Councilmember Winter, the vote began as follows:

YEAS: Earhart, Winter, Rasmussen, and Schottle

NAYS: Lund

ABSENT: McElhinny

ORDINANCE NO. 01-03 DECLARED ADOPTED.

Janet Earhart, President Pro-Tem

Wally J. Delamater, Village Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Village Council of the Village of Lakeview, Montcalm County, at a regular meeting held on September 10, 2001, at the Village office, pursuant to the applicable statutory procedures.

Wally J. Delamater, Village Clerk