

LAKE LINDEN VILLAGE CODE

ORDINANCE SERIES 14,000 — NUISANCES

AN ORDINANCE TO AMEND THE VILLAGE OF LAKE LINDEN CODE BY ENACTMENT OF SERIES 14,000, NUISANCES, CHAPTER 14,001 — NOISE CONTROL

Purpose

In an effort to secure the public health, safety and general welfare of residents of the Village of Lake Linden, by the regulation of noise within the village limits, to provide for penalties and sanctions for a violation and to repeal any ordinance in conflict herewith.

THE VILLAGE OF LAKE LINDEN ORDAINS:

Chapter 14,001 Amended — Noise Control:

1. TITLE: This ordinance shall be known and cited as the Village of Lake Linden Anti-Noise Ordinance.
2. DEFINITIONS: The following terms used in this Ordinance are described as follows:
 - A. Daytime hours: The hours between 7:00 am and 10:00 pm, local time.
 - B. Night Hours: The hours between 10:00 pm and 7:00 am, local time.
 - C. Loud Noise: Sounds that can be heard at a distance greater than twenty-five (25) feet during the Night Hours or greater than fifty (50) feet during Daytime Hours.
3. ANTI-NOISE REGULATIONS:
 - A. GENERAL REGULATION. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injuries to the health, peace or quiet of the residents in the Village.
 - B. SPECIFIC VIOLATIONS. The following noises and/or disturbances are hereby declared to be a violation of this ordinance; provided, however, that specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
 - 1) The playing of any radio, phonograph, compact disc, television or other electronic or mechanical sound-producing device, including any musical instrument, in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons from nearby residential property.
 - 2) Yelling, shouting, hooting or singing on the public streets between the hours of 10:00 pm and 7:00 am or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.

- 3) The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
- 4) The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity, such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
- 5) The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud or unnecessary grating, grinding, rattling or other unreasonable noise, including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet comfort and repose of other persons. The modification of any noise abatement device on any vehicle or engine, or the failure to maintain the same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured, shall be in violation of this section.
- 6) The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
- 7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noise. The modification of any noise abatement device on any vehicle or engine, or the failure to maintain the same so the noise emitted by such vehicle as originally manufactured, shall be in violation of this section.
- 8) The erection, excavation, alteration or repair of any building or premises in any part of the Village, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 am and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Houghton County Building Inspector, which permit shall limit the periods that the activity may continue. The obtaining of a permit shall not be required of the Village of Lake Linden, the Houghton County Road Commission or the Michigan Department of Transportation.
- 9) The creation of loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
- 10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
- 11) The operation of any loudspeaker or other sound-amplifying device upon any vehicle on the streets of the Village with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises unreasonably disturbing to nearby residential property.

12)The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort and repose of any person.

13)The operation of any racetrack, proving ground, testing area or obstacle course for motor vehicles, motorcycles, boats, racers or vehicles of any kind or nature in any area of the Village where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity. Under no circumstances shall any race track, proving ground, testing area or obstacle course operate after 11:00 pm on any evening.

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

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

2) Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Village of Lake Linden, or the County of Houghton, between sundown and 7:00am when the public welfare, safety and convenience render it impossible to perform such work during other hours.

3) Warning devices emitting sound for warning purposes as authorized by law.

4) Any agricultural equipment while engaged in normal agricultural activities including, but not limited to, planting, cultivating, irrigation and harvesting of crops.

5) Noises occurring between 7:00 am and sundown caused by construction , repairs or demolition as long as a valid building permit has been issued by the County of Houghton and is currently in effect, and provided such noise is not unduly excessive.

6) Noises occurring between 7:00 am and sundown caused by maintenance of grounds, provided such noise is not unduly excessive.

7) Noises emanating from the discharge of firearms are excepted, providing the discharge of firearms was authorized under Michigan law and all local ordinances.

8) The Lake Linden Village President may issue a permit, within thirty (30) days of the receipt of an application thereof, for a variance from this Ordinance for the purposes of a public or private meeting, concert, parade or other similar event. Application must be received by the Village Clerk at least forty-five (45) days prior to the event.

4. PENALTIES and SANCTIONS: Any person who violates this Chapter may be punished by a fine of not more than \$500, and/or confinement in the County Jail for not more than 90 days, or both, together with the costs of prosecution, upon conviction by a Court having jurisdiction.

5. SEVERABILITY: The several provisions of this Ordinance are declared to be separate. If any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

6. REPEAL: Any other Ordinance, or part thereof, in conflict with this Chapter is repealed.
7. EFFECTIVE DATE: This Ordinance shall be in force thirty (30) days after it's passage and publication as required by law.

This Ordinance is adopted by the Village Council of Lake Linden on the 13th day of May, 2004.

VILLAGE OF LAKE LINDEN:

James M. Aittama, Village President

ATTEST:

Robert A. Poirier, Village Clerk

[SEAL]