

20.950

**NOISE ORDINANCE
VILLAGE OF MANCELONA, MICHIGAN**

20.951 Section 1. **TITLE**

This Chapter shall be known as the Village of Mancelona Noise Ordinance.

20.952 Section 2. **PURPOSE.**

The Mancelona Village Council hereby finds that noise because of its volume, frequency, or shrillness can unreasonably annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of residents and visitors of the Village. Therefore, the purposes of this Chapter are to protect and promote the public health, safety, and welfare of the residents and visitors of the Village by prohibit any loud noise or sound that disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

20.953 Section 3. **DEFINITIONS.** As used in this Chapter,

ABoat@ means every description of water craft used or capable of being used as a means of transportation on water, including personal water craft and non-motorized boats such as a canoes, rowboats, and rafts. Boat, however, does not include an air mattress, paddle board, paddle boat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

"Motor vehicle" means any wheeled vehicle in, upon, or by which any person or property is or may be transported or drawn upon a highway and which is designed to be self-propelled.

APerson@ means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

20.954 Section 4. **PROHIBITED ACTIVITIES.**

No person shall cause or create and no person shall knowingly allow another person to cause or create on property that is owned or legally occupied by that person any loud noise or sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, including but not limited to:

- (a). Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.

- (b). Yelling, shouting, hooting, singing, or sounding or using any horn, siren, whistle or bell, or making other noise that because of its volume, frequency, or shrillness unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities or unreasonably annoys or disturbs the well being of any animal.
- (c). Sounding or using any horn, siren, whistle, bell or other warning device on a boat or motor vehicle in a manner that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, unless the sounding or use of such horn, siren, whistle, bell or other warning device and the manner of such sounding or use is authorized by the state motor vehicle code or other state law.
- (d). Revving up the engine of a motor vehicle in such a manner or with such volume or frequency or at such time of the day that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.

20.955 Section 5. **EXEMPT ACTIVITIES.**

Section 4, 20.954, shall not apply to any loud noise or sound generated in connection with parades, musical productions or events authorized by the Mancelona Village Council, the local school district, or a civic or community organization and shall not apply to loud noise or sound, including the operation of amplified sound systems, generated by the Mancelona Township fire department or any police or fire official when used to disseminate official information or to provide official warnings.

20.956 Section 6. **VIOLATIONS AND PENALTIES.**

- (a). Any person who violates any provision of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
 - (1). For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
 - (2). For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
 - (3). For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b). Each day this Chapter is violated shall be considered a separate violation.

20.957 Section 7. **ENFORCEMENT OFFICIALS.**

Officers of the Mancelona Village Police Department and other village officials designated by the village council are hereby authorized to issue municipal civil infraction citations under this Chapter directing offenders to appear in court.

20.958 Section 8. **NUISANCE PER SE.**

A violation of this Chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

20.959 Section 9. **SEPARATE COURT ACTION.**

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding or a criminal prosecution, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

20.960 Section 10. **SEVERABILITY.**

If any section, provision or clause of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Chapter, which can be given effect without the invalid portion or application.

Section 2. Effective Date.

This Ordinance shall become effective twenty (20) days after its enactment.