

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

**ORDINANCE NO. 2014-88
Effective: December 9, 2014**

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF GRAND BEACH, BERRIEN COUNTY, MICHIGAN, BY THE REGULATION OF NOISE, ODORS, OFFENSIVE CONDUCT AND CONDITIONS, AND THE PRODUCTION OF DUST 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 GRAND BEACH, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Title

This ordinance shall be known and cited as the Village of Grand Beach Anti-Noise and Public Nuisance Ordinance.

Section 2. Definition

A nuisance shall be deemed whatever annoys, injures, or endangers the safety, health, comfort, repose or tranquility of the public; offends public decency; interferes with or obstructs and renders dangerous any street, highway, lake, river or stream; or in any way renders the public insecure in life and property. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. All such conditions are hereby declared to be public nuisances.

Section 3. Public Nuisance Prohibited

It shall be unlawful for any owner, land contract vendee or occupant of any premises to maintain a public nuisance on either public or private property anywhere in the Village.

Section 4. Certain Public Nuisances Enumerated

The following acts, equipment, apparatus, and structures are hereby declared to be public nuisances per se, however, this enumeration shall not be deemed to be exclusive:

A. *Disturbing the public peace:*

No person shall disturb the public peace and quiet by loud or boisterous conduct or by engaging in any disturbance, fight, brawl, or quarrel in any public place.

B. *Noise:*

It shall be unlawful for any person to create, assist in creating, or as owner, lessee or occupant of the property on which the activity is located, permit the continuance of any of the following acts:

(1) *Musical instruments and electronic sound-producing devices.* The playing of any amplified or unamplified musical instrument, radio, television set, phonograph, loudspeaker, tape recorder, compact disc player, or other electronic sound-producing devices, in such a manner or with volume that:

a. The operation of any such musical instrument or electronic sound-producing device disturbs the comfort, repose or peace of others by being plainly audible to persons other than that from which it is generated; or

b. The bass has caused vibrations within a dwelling unit or within a vehicle other than that from which it was generated.

(2) *Shouting and whistling.* Continuous or repeated yelling, shouting, loud whistling, or loud singing, so as to disturb the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling or other type of residence other than that from which it originates.

(3) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(4) *Whistles or sirens.* The blowing of any amplified or electronic whistles, air horns or sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger.

(5) *Engine exhaust.* The discharge into the open air of the exhaust of any engine except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

(6) *Devices to attract attention.* The continuous or repeated use of any drum, loudspeaker, amplifier, or other instrument or device for the purpose of attracting attention so as to disturb the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling, hotel, hospital, or other type of residence other than that from which it originates.

(7) *Other excessive noise.* The creation of any other excessive or unreasonably loud noise which disturbs the comfort, repose or peace of others within the Village by being plainly audible to persons within any dwelling or other type of residence other than that from which it originates.

C. *Trash accumulation:*

No person owning or occupying property in the Village shall fail to keep the exterior area of that property free from accumulations of trash. "Trash" means refuse, garbage and rubbish, as well as scrap materials, including, but not limited to, wrecked or scrapped vehicles, rags, paper products, scrap metal, used appliances, scrap plumbing supplies, or parts of any of the foregoing or similar property.

D: *Parking:*

No person owning or occupying property in the Village shall permit the outside parking and storage on residentially-zoned property of vehicles or boats in violation of the Village of Grand Beach Zoning Ordinance.

E. *Party or other social gathering:*

A social gathering or party which is conducted on premises within the Village and which, by reason of the conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on neighboring public or private property: public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consumption of intoxicating beverages; the unlawful deposit of trash or litter; the destruction of property; the generation of pedestrian or unlawful vehicular traffic, standing, or parking which obstructs the free flow of traffic or interferes with the ability to render emergency services; excessive, unnecessary, or unusually loud noise which disturbs the comfort, quiet, or repose of the neighborhood, including public disturbances, brawls, fights, or quarrels; or conduct or condition which injures, or endangers the safety or health of the neighborhood, or results in any indecent or obscene conduct, or results in any immoral exhibition or indecent exposure by persons attending the social gathering or party, is hereby declared to be an unlawful public nuisance.

F. *Dust, ash, and odors:*

No person, firm, or corporation shall create, cause, or maintain any public nuisance within the Village of Grand Beach by the unreasonable creation of dust, smoke, fly ash or noxious odors, offensive or disturbing to adjacent property owners and residents in the area.

Section 5. Exceptions

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 or repair of bridges, streets or highways by or on behalf of the Village of Grand Beach, State of Michigan, or County of Berrien, between the hours of 6:00

p.m. and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.

Section 6. Enforcement

A. Except as otherwise specifically provided in this Ordinance, violations of any provision of this Ordinance shall be a municipal civil infraction punishable by a fine of not more than \$250.00. A second offense of same shall be punishable by a fine not exceeding \$500.00, and a third or subsequent offense shall be punishable by a fine not exceeding \$1,000.00. Each such act which either continues or is repeated subsequent to a citation or warning being issued by an authorized enforcement officer shall be considered and may be prosecuted as a separate violation of this section.

B. Should any fine for a municipal civil infraction not be paid within the required time period, or should any municipal civil infraction not be resolved by the Municipal Ordinance Violations Bureau, or a court of competent jurisdiction within the required time period, such violation shall become a misdemeanor.

C. If the penalty for violations of any section of this Ordinance is not paid within 45 days, it may be charged as a lien against the land, building, or structure involved in the violation by recording a copy of the court order and enforcing the lien in accordance with the provisions of MCL 600.8731, as amended.

D. The cost of abating a nuisance as defined by this Ordinance shall, to the extent reasonably necessary to protect the public health and safety, be charged against the premises and the owner thereof as costs in any enforcement action and shall include, but not be limited to, the following expenses: overtime expenses and labor and equipment expenses of Village officials or enforcement officers, fire department and emergency services, labor and equipment expenses, plus 15 percent of each of the foregoing expenses for administrative burden.

Section 7. 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 of any other section or portion.

Section 8. Repealer.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

ORDINANCE DECLARED ADOPTED.

PAUL A. LEONARD JR., Village President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 19th day of November, 2014, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk