

VILLAGE OF BOYNE FALLS
Ordinance No. 62

AN ORDINANCE PURSUANT TO ACT 3 OF THE PUBLIC ACTS OF 1895, AS AMENDED, TO PROHIBIT ANY LOUD NOISE OR SOUND THAT ENDANGERS OR INJURES THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS AND VISITORS TO THE VILLAGE OF BOYNE FALLS AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE VILLAGE OF BOYNE FALLS ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Village of Boyne Falls Noise Ordinance.

Section 2. Purpose.

The Boyne Falls 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 Ordinance 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.

Section 3. Definitions. As used in this Ordinance,

"Boat" 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.

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

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.

Section 5. Exempt Activities.

Section 4 shall not apply to any loud noise or sound generated in connection with parades, musical productions or events authorized by the Boyne Falls 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 Boyne Falls Village fire department or any police or fire official when used to disseminate official information or to provide official warnings.

Section 6. Violations and Penalties.

- (a). Any person who violates any provision of this Ordinance 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 Ordinance is violated shall be considered a separate violation.

Section 7. Enforcement Officials.

The Village President, the Village Ordinance Enforcement Officer, and deputies of the Charlevoix County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8. Nuisance Per Se.

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

Section 9. Separate Court Action.

In addition to enforcing this Ordinance 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 Ordinance.

Section 10. Repeal.

The Village of Boyne Falls Noise Ordinance, being Ordinance 62, is hereby repealed in its entirety.

Section 11. Validity.

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

Section 12. Effective Date.

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

VILLAGE OF BOYNE FALLS
ORDINANCE CERTIFICATION

At the regular meeting of the Village Council of the Village of Boyne Falls, Charlevoix County, held in the Village Hall, located at 2290 Railroad Street, Boyne Falls, Michigan, on June 14, 2022 at 7:00 PM

Present: Mike Kondrat, Sr. Mike Kondrat, Sr. Gabe Blackledge
JoAnn Bell, Bill Carson, Brandy Marvin

Absent Ø

A motion was made by Brandy Marvin and seconded by
William Carson that the following Ordinance Amendment be adopted
Ordinance 62.

(See attached amendment)

Yes 7

No 0

Ordinance declared adopted:
Village of Boyne Falls

By: Marilyn Cousineau
Marilyn Cousineau, Village President

I, the undersigned, the Clerk of the Village of Boyne Falls, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Village of Boyne Falls Council of said County at its regular meeting held on June 14, 2022, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public said meeting as given pursuant to and in full compliance with the Open Meeting Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Charlevoix County News on June 22, 2022 and was filed with the County Clerk on June 15, 2022.

Dated 10/20/22

Heidi Riggs
Heidi Riggs, Clerk