

CITY OF IMLAY CITY

LAPEER COUNTY, MICHIGAN

ORDINANCE NO. 8.3

**AMENDMENT OF CITY OF IMLAY CITY CODE OF ORDINANCES –
OFFENSES AGAINST CITY REGULATIONS (DISTURBING THE PEACE)**

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the City of Imlay City, Lapeer County, Michigan, by the regulation of noise, within the City and establishing a penalty for the violation thereof and repealing all Ordinances and/or Resolutions in conflict therewith.

**THE CITY OF IMLAY CITY, COUNTY OF LAPEER, MICHIGAN
ORDAINS:**

SECTION 1. AMENDMENTS.

Title XIII (General Offenses), Chapter 130 (Offenses Against City Regulations) shall have the following Section added thereto:

Sec. 130.06 **DISTURBING THE PEACE.**

(A) Noise Control Regulations.

The following noises and disturbances are declared to be a violation of this Section:

1. The playing of any radio, phonograph, 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.
2. Yelling, shouting, hooting, or singing on the public streets between the hours of 10 p.m. and 7 a.m. 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 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 or howling can be clearly heard from nearby residential property.
5. The operation of an automobile, motorcycle, or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain 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 the vehicle safely or as required by the Michigan Motor Vehicle Code or Uniform Traffic Code.
7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so 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.
8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the City, 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 8:00 a.m. 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 building inspector or Ordinance enforcement officer of the City, which permit shall limit the periods that the activity may continue.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading 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, is 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 within the City with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises is easily heard from nearby adjoining residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is unreasonably disturbing to the quiet, comfort or repose of any person.
13. The operation of any racetrack or obstacle course for motor vehicles, motorcycles, boats, racers, automobiles, or vehicles of any kind or nature in any area of the City where the noise emanating therefrom would be unreasonably disturbing and upsetting to other persons in the vicinity.
14. The discharge of any firearm in groups of three or more, which discharge is not in compliance with Michigan statutory law, and which unreasonably disturbs the quiet, comfort, or repose of any person in the vicinity.
15. The discharge of any firearm before dawn and/or after dusk, whether such discharge of a firearm is done in a group of three or more or by an individual acting alone.
16. The continual discharge of a firearm for target practice, the sighting in of a firearm, or activities substantially related thereto, shall not continue for a period longer than one hour from dawn to noon and again from noon to dusk for a total of two hours in any 24-hour period.
17. No person shall operate or maintain any machine, devise, apparatus, or instrument between the hours of 6:00 p.m. and 11:00 p.m. which will cause reasonably preventable electrical interference with the operation of any radio or television receiving set.

(B) Definitions.

The following terms used in this Section are defined as follows:

“Dwelling” means a structure habitually used by one or more individuals as a place of residence, whether or not an individual is present at the structure.

“Firearm” means any weapon or device from which is propelled any missile, projectile, bullet, shot, or other mass by means of explosives.

(C) Exceptions.

None of the prohibitions stated in this Section shall apply to 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 or other property by or on behalf of the State of Michigan, City of Imlay City, or the County of Lapeer, between sundown and 8 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
3. Farming operations or activity which are done in compliance with the Generally Acceptable Agricultural Management Practices (GAAMPS) in an area properly zoned for the activity.
4. Warning devices emitting sound for warning purposes as authorized by law: i.e., car alarms, when properly attended to by the owner.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS.

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 3. SEVERABILITY.

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4. PUBLICATION.

This Ordinance, or a summary thereof, shall be published in a newspaper of general circulation within the City of Imlay City within fifteen (15) days after adoption.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication as set forth in Section 4.

CERTIFICATION OF MAYOR AND CITY CLERK

We hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Imlay City, Lapeer County, Michigan at a meeting held on the 7th day of March 2023.

We hereby further certify the following:

City Commissioners present: Mayor Joi Kempf, Mayor Pro Tem Ted Sadler, Commissioner Shane Collison, Commissioner Joe DeLuca, Commissioner Al Ramirez, Commissioner Bob Tanis, Commissioner Barbara Yockey

City Commissioners absent: None

We further certify that Commissioner Collison Moved for the adoption of the Ordinance, and that Motion was seconded by Commissioner Yockey.

Upon a roll call vote, the vote was as follows:

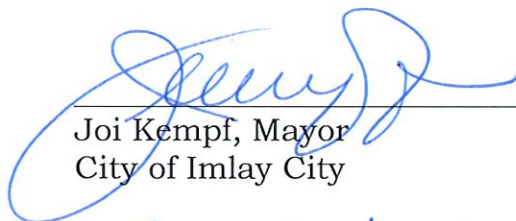
AYES: Collision, Yockey, DeLuca, Ramirez, Sadler, Tanis, Kempf

NAYS: None

ABSENT: None

ABSTENTIONS: None

DATE RESOLUTION ADOPTED: March 07, 20023



Joi Kempf, Mayor
City of Imlay City



Dawn Sawicki-Franz, Clerk
City of Imlay City

First Reading: February 21, 2023

Second Reading: March 07, 2023

Date of Publication: March 15, 2023

CERTIFICATE OF PUBLICATION

I, Dawn Sawicki-Franz, the Clerk of the City of Imlay City, do hereby certify that this Ordinance, Ordinance 8.3 Imlay City – DISTURBING THE PEACE, or a summary thereof was published in the Tri-City Times on March 15, 2023.


Dawn Sawicki-Franz, Clerk
City of Imlay City