

## REVISED ORDINANCE NUMBER TWELVE

A REVISED ORDINANCE TO PROHIBIT THE MAKING, CREATION OR MAINTENANCE OF SUCH EXCESSIVE, UNNECESSARY, UNNATURAL OR UNUSUALLY LOUD NOISES WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY AND GENERAL WELFARE WITHIN THE CITY OF CARSON CITY.

THE CITY OF CARSON CITY ORDAINS:

### CHAPTER 12.1 AUTHORITY AND PURPOSE

12.101 **AUTHORITY.** The authority for this Ordinance is set out in Chapter 7 of the Charter of the City of Carson City.

12.102 **PURPOSE.** This Ordinance is revised for the purpose of the preservation of the public peace, health, safety and general welfare of the City of Carson City.

### CHAPTER 12.2 NOISE PROHIBITED

12.201 **GENERAL PROHIBITION.** It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety or others within the limits of the City of Carson City. It shall be unlawful for any person, firm or corporation to create, assist in creating, permit, continue to permit the continuance of any unreasonable, loud or disturbing or unnecessary noise within the City of Carson City.

12.202 **ELECTRONIC DEVICES.** It shall be unlawful for any person, firm or corporation to play, use, operate, or permit the playing, use or operation of any radio, "boom box", receiving set, stereo, musical instrument, or other electronic sound device inside or outside of a building or structure or in a parked or moving vehicle, which is in violation of this Revised Ordinance as defined in Section 12.204.

12.203 **EXEMPTIONS.** The provisions of Chapter 12.2 apply to all sources of sound except:

(a). Motor vehicles as defined in the Michigan Vehicle Code of 1949, MCLA 257.1 et seq; MSA 9.1801 et seq. In operation on a public right of way.

(b). Railroad equipment in operation on a railroad right of way.

(c). Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.

(d). Sound made to alert persons to the existence of an emergency, danger or attempted crime.

(e). Activities or operations of governmental units or agencies.

(f). Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the City.

(g). Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities.

12.204 **DEFINITION OF NOISE PROHIBITED.** As used in this Chapter the operation of any prohibited noise or device which is plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle shall be prima facie evidence of a violation of this Ordinance.

12.205 **PENALTY.** If the person responsible for an activity which violates this Chapter cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. A person found responsible under this section for a violation of this chapter shall be guilty of a civil infraction punishable by a fine of up to \$500.00.

### CHAPTER 12.3 **CONFLICTING ORDINANCES REPEALED**

12.301 **PRESENT ORDINANCE.** On effective date of the adoption of this Revised Ordinance, Ordinance No. 12 as adopted March 15, 1956 and any and all amendments thereto shall be repealed.

12.302 **CONFLICTS.** All other ordinances, amendments or provisions thereof which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

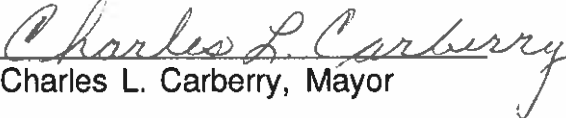
CHAPTER 12.4  
**SEVERABILITY**

If any section, sentence, clause or phrase of this Revised Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Revised Ordinance.

CHAPTER 12.5  
**EFFECTIVE DATE**

The Revised Ordinance establishing Noise Ordinance for the City of Carson City shall become effective immediately upon enactment, pursuant to Section 7.3(d) of the Charter of the City of Carson City, this Ordinance is declared to be an emergency ordinance which is immediately necessary for the preservation of public peace, health and safety.

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Revised Ordinance Number 12, of the City of Carson City, was introduced at a regular meeting of the City Council held on December 21, 1993, and was thereafter adopted at a regular meeting on January 18, 1994, by a vote of Five (5) for; Zero (0) against; and Zero (0) abstaining.

  
Charles L. Carberry, Mayor

  
Janet Kelly, City Comptroller

Affidavit of Publication

John Norton Advertising Direc  
THE DAILY NEWS, Greenville, a newspaper printed  
and circulated in the Counties of Montcalm and  
of Michigan, being duly sworn, deposes and says  
following listed advertisements have been printed  
and circulated in each issue of each listed date  
This advertising was inserted on the order of  
Carson City.

This advertising promoted minutes  
Published 1/10/94 Amount \$ 70.6

Signed:

J.S.  
274

Subscribed and sworn before me this

A.D. 1994.

Debra

Notary Public, Montcalm County

My commission expires \_\_\_\_\_

DEBORAH K. DYER,  
MONTCALM COUNTY  
MY COMMISSION EXPIRES

MINUTES OF A REGULAR  
COUNCIL MEETING

Minutes of a regular meeting held Tuesday, December 21, 1993 at the city council room at 7:30pm  
Mayor Badder presiding.  
Councilmen present: Carberry, Dilts, Keiffer, Herald, Newman and Reeder. Councilmen absent: none.  
Mayor Badder led the council in the Pledge of Allegiance.  
Mayor Badder commended Councilwoman Dilts for her 8 years of dedicated service on the council. Her family, husband Dr. Jack Dilts, son Kris, daughter Kelsey, and friends were present for the presentation of an engraved charm.  
Motion by Keiffer seconded by Dilts to accept the minutes of the previous meeting as presented. Yeas: all, Nays: none.  
Motion by Herald supported by Carberry to accept the bills as presented. Yeas: all, Nays: none.  
Mayor Badder appointed Ken Keiffer as temporary police committee chairman until next month when the permanent committee appointments will be made.  
Montcalm Area Intermediate School District sent a letter requesting the city to collect summer taxes for them this year. Due to the time involved for bookkeeping, Herald made a motion seconded by Carberry to decline the request. Yeas: all, Nays: none.  
Jerry Allen of Gladwin, an urban forester, visited Carson City on December 9th, 1993 to assess our city trees. He will send a written report of his findings as far as types of trees to plant, where to plant them and how to maintain them properly. This program is offered by the Michigan Urban and Community Forestry Council and the Michigan Forestry and Park Association, Inc.  
Mayor Badder reported that the southside parking lot is at a standstill until the tanks can be removed. Badder will update the council at the next meeting.  
Council reviewed a draft from Attorney Tom Wilson on Revised Noise Ordinance Number 12. The revision changes the penalty from a misdemeanor to a civil infraction. The fine could be up to \$500 to the violator. A prohibited noise or device is one that is plainly audible from a distance of (50) fifty feet from a building, structure, or vehicle. Exemptions include such items as railroad equipment, emergency vehicles, parades, festivals or athletic activities. Dilts seconded by Newman resolved to introduce:  
**Resolution #20**  
Revised Ordinance Number 12, a revised Ordinance to prohibit the making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noise which are detrimental to the public health, comfort, convenience, safety and general welfare within the City of Carson City. Yeas: all, Nays: none.  
Mayor Badder set a public hearing for 7:20pm on Tuesday, January 18th at City Hall to review revised ordinance No. 12. Reports were given by Cobe, Police Chief; Brooks, Fire Chief; and Tabor, DPW Director. Brown, City Administrator, presented Mayor Badder with a \$20,000 check from the Department of Natural Resources, Fisheries Division, to continue development of the city park/pond project. Phase One, the bridge, and Phase Two, the pond, have been completed. Phase Three will be the lights, trees and paths for the park. Word has not been received from our request for a one year extension on the grant.  
The bids for a City Master Plan Water Reliability Study were opened on December 17, 1993. The water committee needs more information before any decisions can be made to determine just what is included and needed for the study. The committee will keep the council updated.  
Due to the fact that State money received for water upgrade cannot be used for repairs, but only on capital improvements, the water fund needs to borrow money to repair the water filters. Herald resolved seconded by Carberry:  
**Resolution #21.**  
To Transfer up to \$30,000 from the City Motor Pool Fund to the Water Fund, for the repair of the water filters. The money will be repaid in one year/or be reevaluated within one year. Yeas: all, Nays: none  
Dilts made a motion seconded by Newman to adjourn and meet again at 7:20pm on January 18, 1994 for a public hearing at City Hall. Yeas: all, Nays: none.  
Janet Kelly, Comptroller



# NOTICE

There will be a public hearing held at City Hall in Carson City at 7:20 p.m. on Tuesday, January 18, 1994 for the purpose of reviewing Revised Ordinance Number Twelve.

**REVISED ORDINANCE NUMBER TWELVE**  
**NECESSARY, UNNATURAL OR UNUSUALLY LOUD NOISES WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, COMFORT, CONVENIENCE, SAFETY AND GENERAL WELFARE WITHIN THE CITY OF CARSON CITY.**  
THE CITY OF CARSON CITY ORDAINS:

## CHAPTER 12.1 AUTHORITY AND PURPOSE

12.101 **AUTHORITY.** The authority for this Ordinance is set out in Chapter 7 of the Charter of the City of Carson City.  
12.102 **PURPOSE.** This Ordinance is revised for the purpose of the preservation of the public peace, health, safety and general welfare of the City of Carson City.

## CHAPTER 12.2 NOISE PROHIBITED

12.201 **GENERAL PROHIBITION.** It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety or others within the limits of the City of Carson City. It shall be unlawful for any person, firm or corporation to create, assist in disturbing or unnecessary noise within the City of Carson City.

12.202 **ELECTRONIC DEVICES.** It shall be unlawful for any person, firm or corporation to play, use, operate, or permit the playing, use or operation of any radio, "boom box", receiving set, stereo, musical instrument, or other electronic sound device inside or outside of a building or structure or in a parked or moving vehicle, which is in violation of this Revised Ordinance as defined in Section 12.204.

12.203 **EXEMPTIONS.** The provisions of Chapter 12.2 apply to all sources of sound except:  
(a). Motor vehicles as defined in the Michigan Vehicle Code of 1949, MCLA 257.1 et seq; MSA 9.1801 et seq. In operation on a public right of way.  
(b). Railroad equipment in operation on a railroad right of way.  
(c). Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster. To restore public utilities, or to protect persons or property from an imminent danger.  
(d). Sound made to alert persons to the existence of an emergency, danger or attempted crime.  
(e). Activities or operations of governmental units or agencies.  
(f). Parades, concerts, festivals, fairs or similar activities subject to any sound limits in the approval by the City.  
(g). Athletic, musical or cultural activities or events (including practices and rehearsals) conducted by or under the auspices of public or private schools, and public or private colleges or universities.

12.204 **DEFINITION OF NOISE PROHIBITED.** As used in this Chapter the operation of any prohibited noise or device which is plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle shall be prima facie evidence of a violation of this Ordinance.

12.205 **PENALTY.** If the person responsible for an activity which violates this Chapter cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. A person found responsible under this section for a violation of this chapter shall be guilty of a civil infraction punishable by a fine of up to \$500.00.

## CHAPTER 12.3 CONFLICTING ORDINANCES REPEALED

12.301 **PRESENT ORDINANCE.** On effective date of the adoption of this Revised Ordinance, Ordinance No. 12 as adopted March 15, 1956 and any and all amendments thereto shall be repealed.  
12.302 **CONFLICTS.** All other ordinances, amendments or provisions thereof which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

## CHAPTER 12.4 SEVERABILITY

If any section, sentence, clause or phrase of this Revised Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Revised Ordinance.

## CHAPTER 12.5 EFFECTIVE DATE

The Revised Ordinance establishing Noise Ordinance of the City of Carson City shall become effective immediately upon enactment, pursuant to Section 7.3(d) of the Charter of the City of Carson City, this Ordinance is declared to be an emergency ordinance which is immediately necessary for the preservation of public peace, health and safety.

Janet Kelly, Comptroller

THE DA  
and ci  
of Mic  
follow  
and c  
This  
This  
Publ  
Sub  
A. D

My commission expires \_\_\_\_\_

DEBORAH K. DYER, NOTARY PUBLIC  
MONTCALM COUNTY, STATE OF MICHIGAN  
MY COMMISSION EXPIRES 02-12-95

## ORDINANCE NUMBER TWELVE

AN ORDINANCE TO PROHIBIT UNNECESSARY OR UNUSUAL NOISES  
WITHIN THE CITY OF CARSON CITY

SECTION I. It shall be unlawful for any person, firm or corporation to create, assist in creating, permit, continue or permit the continuance of any unreasonable, loud, disturbing or unnecessary noises in the City of Carson City.

SECTION II. It shall be unlawful for any person or firm to operate or maintain any radio, phonograph, player-piano, calliope, or other noise making, noise amplifying or noise producing instrument or device in any public or private place in such manner by which the peace and good order of the neighborhood is disturbed.

SECTION III. Any person or persons violating the provisions of this ordinance shall, upon conviction thereof be punished by a fine not exceeding one hundred (\$100) dollars and costs of prosecution, or in default thereof, be imprisoned in the County Jail for a period not exceeding ninety (90) days or by both such fine and imprisonment in the discretion of the court trying the offender.

SECTION IV. This ordinance shall take effect 30 days after its passage.

Passed and approved by the City Council this 15th day of March, A.D. 1956.