

CITY COUNCIL
CITY OF COOPERSVILLE
OTTAWA COUNTY, MICHIGAN

Council Member Wheeler, seconded by Council Member Mooney, moved the adoption of the following ordinance:

ORDINANCE NO. 489

AN ORDINANCE TO AMEND CHAPTER 648, SECTION 648.02 OF THE
CITY OF COOPERSVILLE CODE OF ORDINANCES, ENTITLED "PEACE
DISTRUBANCES, NOISE CONTROL" with the addition of (d) Variances.

THE CITY OF COOPERSVILLE ORDAINS:

Section 1. Amendment of Chapter 648, Section 648.02. That Chapter 648, Section 648.02 of the City of Coopersville Code of Ordinances is amended to read as follows:

648.02 - NOISE CONTROL.

- (a) Short Title. This section shall be known and may be cited as the "Coopersville Anti-Noise and Public Nuisance Ordinance."
- (b) Definitions. As used in this chapter:
 - (1) "Motor vehicle" means every vehicle which is self-propelled whether or not licensed or intended for use upon public roads.
- (c) Anti-Noise Regulations.
 - (1) General regulation. No person shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace or quiet of the residents and property owners of the City.
 - (2) Specific violations. The following noises and disturbances are hereby declared to be violations of this chapter, provided, however, that the specification of the same is not thereby construed to exclude other violations of this chapter not specifically enumerated:
 - A. 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.
 - B. Yelling, shouting or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any person in the vicinity.
 - C. The emission or creating of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
 - D. 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 can be clearly heard from nearby residential property.
 - E. The sounding of any horn or other device on any motor vehicle, unless necessary to operate said vehicle safely or as required by the Michigan Vehicle Code.
 - F. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the City, 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 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such a case, a permit shall be obtained from the Building Inspector or the Code Enforcement Department of the City, which permit shall limit the periods that the activity may continue.

- G. The creation of a loud or excessive noise, unreasonably disturbing to other persons in the vicinity, in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, dumpster or other carrier, or in connection with the repairing of any such vehicle in or near residential areas.
- H. 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, shall be unreasonably disturbing to other persons in the vicinity.
- I. The operation of any sound-amplifying device upon or within any vehicle in a manner that will unreasonably upset or disturb the comfort or repose of any person in the vicinity.
- J. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
- K. The operation of any race track, proving ground, testing area 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. Under no circumstances shall any racetrack, proving ground, testing area or obstacle course operate after 11:00 p.m. on any evening.
- L. The idling of the engine of a commercial delivery vehicle.

In addition, a motor vehicle, including a motorcycle or moped, shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(3) Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:

- A. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities;
- B. Warning devices emitting sound for warning purposes as authorized by law;
- C. The daily testing of the City Hall siren;
- D. Parades and church bells or chimes;
- E. The sounding of the City Hall siren for emergency response;
- F. Testing of the civil defense sirens; and
- G. All other exceptions.

(d) Variances.

(1) The City Council may grant variances to the requirements of this Section upon the submission of such a request for special events or a non-permanent occurrence or occurrences in all zoning districts except AG, R-1, R-2 R-3, R-4, R-5 and Residential PUDs. A maximum of two (2) variances will be granted per parcel per calendar year not to exceed forty-eight (48) hours.

- A. All such requests shall be made in writing and shall be accompanied by a reasonable fee set by resolution of the City Council from time to time. Said fee shall be used to off-set costs incurred by the City in reviewing the application.
- B. Upon receipt of an application and fee, the City Clerk or their designee shall schedule a public hearing for consideration of the application.
- C. The City Clerk shall also cause to be posted a City Hall ad notice for the public hearing on the requested variance.
- D. The City Council may grant a lesser variance than requested and may also attach conditions on the variance to further mitigate the impacts from detrimental sound or vibrations.
- E. No variance granted shall be effective until the applicant has received the written notice detailing the conditions of the variance.

- (e) Reserved.
- (f) Declaration of Public Nuisance. Any violation of the provisions of this section is hereby declared to be a public nuisance.
- (g) Equitable Remedies. In addition to the penalty provided in Section 648.99, the City may seek appropriate civil or injunctive relief to abate violations of this section.

(Ord. 260. Passed 3-25-96; Ord. 360. Passed 9-9-02.)

Section 2. Effective Date. This Ordinance shall become effective upon the expiration of thirty (30) days following the publication of lawful notice of its adoption in a newspaper of general circulation in the City of Coopersville.

YEAS: Bush, Mooney, Wheeler, Mayor Crandle

NAYS: Lampe

ABSENT: Fyneweaver, Ward

ORDINANCE NO. **489** ADOPTED.

Larry Crandle, Mayor

Kimberly Borgman, Clerk

I, Kimberly Borgman, the Clerk of the City of Coopersville, attests that the foregoing is a true and accurate copy of an ordinance adopted by the City Council of the City of Coopersville at a regularly scheduled meeting held on **June 10, 2019**, which meeting was held in accordance with state law.

Kimberly Borgman, Clerk