

**VILLAGE OF LAKEWOOD CLUB
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 101**

THE VILLAGE COUNCIL OF THE VILLAGE OF LAKEWOOD CLUB HEREBY ORDAINS:

1. An Ordinance of the Village of Lakewood Club, Michigan, regulating and prohibiting nuisances and providing for penalties for violations thereof is adopted to read as follows:

GENERAL NUISANCES

1. General Nuisance.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this ordinance. No person shall commit, create, or maintain any nuisance.

2. Dangerous Structure or Premises.

No person shall maintain any structure which is a menace to the health, morals or safety of the public. No person owning or occupying any premises shall permit any condition to exist thereon which endangers the public health or safety.

3. Littering.

No person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animal, wash water or other noxious or unsightly material.

4. Noise.

- a. General Prohibitions. 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 either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Village of Lakewood Club.
- b. Specific Acts Prohibited. Each of the following acts is hereby declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive, namely:
 - i. The sounding, or permitting to be sounded, of any signal device on any automobile, motorcycle, bus, or other vehicle while such vehicle is not in motion, except as a danger signal, if another vehicle is approaching apparently out of control, or while such vehicle is in motion, except when a signal is necessary to

insure the safety, and then only to the extent that signal is reasonably necessary for such purpose; the use of any such vehicle upon a public street when such vehicle is so out of repair or has such defective, insufficient, inadequate, damaged, altered or broken parts, equipment, or when such vehicle has sustained such mechanical or other defects as to create loud or unnecessary grating, grinding, rattling or other disturbing noises; the sounding of a horn or signal device for purposes of repair or testing, except within a suitably enclosed building and then only under circumstances which are such that the sounding of the horn or other signal device cannot be a nuisance to others; the creation by means of such signal devices of any unreasonable loud or harsh sound; the sounding of said devices for any unnecessary and unreasonable period of time; the use of any such vehicle upon a public street, when such vehicle is so out of repair, or is so loaded, or when it has sustained such mechanical or other defects as to create loud, or unnecessary grating, grinding, rattling or other disturbing noises.

- ii. The playing of any radio, phonograph, or musical instrument of any character in such a manner or with such volume at any time or place as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence or of any person in the vicinity.
- iii. The keeping of any animal or bird which by frequent or loud or long continued noise shall disturb the comfort and repose of any person in the vicinity.
- iv. The discharge into open air of exhaust of any steam engine, compressed air machine, stationary internal combustion engine, motor vehicle, or any other machine except through a muffler or other device which will effectively prevent loud or explosive or disturbing noises therefrom.
- v. The creation of a loud unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing of destruction of bales, boxes, crates or other containers.
- vi. Yelling, shouting, whistling, loud talking or singing on the public street, particularly between the hours of 10 p.m. to 7 a.m., or at other time or place so as to annoy, or disturb the quiet comfort or repose of persons in any office, dwelling, motel or any other type of residence or of any persons in the vicinity.
- vii. The use of any drums, loud speakers, musical devices or other instruments or devices for the purpose of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
- viii. The use of mechanical loud speakers, amplifiers, and public address systems on trucks or other vehicles for any purpose whatever, except when specific permit is first granted by the Village Council.

- ix. The blowing of any steam whistle attached to any stationary boiler or whistle operated by compressed air, except to give notice of the time to begin or stop work or as a warning of fire or danger, or except upon request by proper public authorities.
- x. The erection, excavation, demolition, alteration, or repairing of any building in a residential or business district other than between the hours of 7 a.m. to 8 p.m. on weekdays except in case of urgent necessity, in the interest of public safety and then only upon permission having been first obtained from the Village Council.
- xi. The carrying on or operation of any business, trade, or occupation, located in a residential section of the Village between the hours of 10 p.m. and 7 a.m. which makes an unusual loud frequent, or disturbing noise, causing a nuisance and disturbance to any person residing in the vicinity.
- xii. The firing of firearms (except as specifically exempted by state law), fire crackers, air guns, or other combustible substances for the purpose of making a noise or disturbance.
- xiii. The practicing and training of any drum corps, band, orchestra, or other musical organization, or the practice by individuals on the various musical instruments, which produce a noise or disturbance, and which annoy the peace, repose and comfort of the residents in the vicinity thereof.
- xiv. It shall be unlawful for any person, knowingly or wantonly, to operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever between the hours of 6:00 a.m. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with radio or reception in the Village, provided, however, that x-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefore are properly equipped to avoid all unnecessary or reasonably preventable interference with radio or television reception and are not negligently operated. This section shall not be construed to embrace the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used in interstate commerce of the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any Act of the Congress of the United States.

5. Abandoned Refrigerators or Similar Items.

It shall be unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight snap-lock or other device thereon without first removing the said snap-lock or doors from said ice box, refrigerator or container.

6. Grass and Noxious Weeds.

- a. Cutting of Grass and Weeds. No person occupying any premises and no person owning any unoccupied premises shall permit or maintain on any such premises any growth of weeds, grass or other rank vegetation to a greater height than six (6) inches on the average, or any accumulation of dead weeds, grass or brush. No such occupant or owner shall cause, suffer or allow ivy, ragweed or other poisonous plants or plants detrimental to health, to grow on any premises in such manner that any part of such ivy, ragweed, or other poisonous or harmful weed shall extend upon, overhang or border any public place, or allow seed, pollen or other particles or emanations there from to be carried through the air into any public place.
- b. Duty of Owner or Occupant. It shall be the duty of the owner and occupant of every premises and the owner of unoccupied premises within the Village to cut and remove or destroy by lawful means, all such weed, grass, or rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this ordinance; provided that the cutting, removing or destroying of such weeds, grass and vegetation at least once in every three (3) weeks between March 15th and September 15th of each year, shall be deemed to be in compliance with the requirements of this ordinance.
- c. Notice of Violation. If a violation is found, written notice shall be given to the owner, occupier or controller of the property upon which the violation is present by certified mail or in person, and no action shall be taken until ten (10) days has elapsed after the notice. If a violation is still found at the end of this 10-day period, the Village may immediately proceed with enforcement as prescribed by this ordinance. Written notice under this subsection shall constitute the notice required by subsection 4, infra.
- d. Penalty; Enforcement. If the violation is not corrected within ten (10) days of receipt of written notice thereof, the Village may enforce violations as follows, the remedies of which are cumulative:
 - i. The Village Ordinance Enforcer, or the Village Council in absence of the Ordinance Enforcer, or his designee, may designate an independent contractor to correct the violation set forth in the written notice. The Ordinance Enforcer or the independent contractor may go upon private property to correct the violation set forth in the written notice, but entries shall be limited to whatever action is necessary therefor. The direct costs of this action together with a 15% surcharge for overhead and indirect costs shall be levied against the property containing the violation, together with the regular property taxes, and shall constitute a valid tax lien against the premises if the same remains unpaid after seven (7) days after the owner, occupier or controller of the property receives the Village's invoice for services. Before the Village corrects the violation pursuant to this subsection, the Village shall give the owner, occupier or controller of the property 10-day written notice, by certified mail or in person delivery, of the impending enforcement and

a reasonable opportunity to respond to the alleged violation. Written notice under this Section shall constitute the notice required by subsection 3, supra.

- ii. Any person who violates or fails to comply with the provisions of this ordinance shall be responsible of a civil infraction.
- iii. Each day violation of this chapter shall constitute a separate and distinct offense and shall be punishable on conviction in a manner prescribed in this section.

7. Severability.

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

8. Penalty.

Any person violating any of the provisions of this ordinance, or owner or occupier of a property in violation of this ordinance, shall be deemed responsible for a civil infraction.

9. Repeal of Conflicting Ordinances.

All ordinances in the Village's Code of Ordinances, or any section thereof, in conflict with this Ordinance to the extent of such conflict are hereby repealed. Village Ordinance 13 is specifically repealed and replaced by this ordinance.

This ordinance is effective ten (10) days from the date of publication.

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Lakewood Club, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Lakewood Club, at a regular meeting of the Village Council on the 25th day of September, 2023, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: September 25, 2023

SIGNED ON ORIGINAL _____

Susan West
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**VILLAGE OF LAKEWOOD CLUB
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on September 25, 2023, the Village Council of the Village of Lakewood Club adopted an ordinance of the Village of Lakewood Club Code of Ordinances concerning animals, summarized as follows:

To regulate and prohibit nuisances and to provide for penalties for violations thereof.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Village Office of the Village Clerk in the Village Office, 6681 Automobile Road, Twin Lake, Michigan, during regular business hours.

This ordinance is effective ten (10) days from the date of this publication.

Published: October 1, 2023

VILLAGE OF LAKEWOOD CLUB

By SIGNED ON ORIGINAL _____
Susan West
Village Clerk