

## **Village of Lake Isabella Codified Ordinances**

### **Article VI – General Nuisance Regulations**

#### **Chapter 622 - Regulation of Noise & Vibration**

Last Amended by Ordinance 2017-04 on August 15, 2017

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#### **622.01 Purpose & Intent**

The purpose of this Chapter is to regulate excessive or unreasonable sound and vibrations within the Village of Lake Isabella which are detrimental to the public health and safety. Additionally, excessive sound and vibration adversely affects property values and also degrades the quality of life enjoyed in the various neighborhoods of the Village of Lake Isabella. It is the intent of this Chapter to provide the Village of Lake Isabella with an enforceable nuisance-type ordinance adopted under the police powers of the Village of Lake Isabella as an incorporated Home Rule Village. Nothing contained in this Chapter is intended to impede growth or the economic vitality of the commercial, business, or industrial sectors of the Village of Lake Isabella. Likewise, nothing contained in this Chapter is intended to impede any person's First Amendment rights of freedom of speech or assembly.

#### **622.03 Exemptions**

This Chapter shall not apply to the following:

1. Sound or vibration which is generated incidental to a person's reasonable noncommercial use and care of private property, including but not limited to, lawn mowers, trimmers, snow blowers, leaf blowers, chain saws, chippers, and other equipment commonly used in landscaping and yard care.
2. Sound or vibration generated by a special event authorized by the Village Council or sponsored by the Village of Lake Isabella.

3. Sound or vibration which is generated as a result of bona fide agricultural activities or by agricultural animals or livestock when done on or from property zoned Agricultural.
4. Sound or vibration from aircraft in flight or operation.
5. Sound or vibration for the purpose of alerting persons to the existence of an emergency or emergency response vehicle.
6. Sound or vibration from or related to government projects or construction, repair, or maintenance of public streets, bridges, utilities, or other similar infrastructure.
7. Sound or vibration associated with religious organizations or houses of worship.
8. Sound or vibration from lawful business, industrial, or commercial operations if reasonable and customary for the type of business, industrial, or commercial use involved and in compliance with Chapter 622.11.

**622.05 Temporary Exemptions**

An application for a permit to engage in any temporary activity, noise, or use which would otherwise violate this Chapter must be made in writing and submitted to the Village Clerk. Applications shall be made at least 28 days prior to the date of the proposed use or event. Upon receipt of the application, the Village Clerk shall forward the application to the Village Manager. The Village Manager shall consult with other appropriate personnel and entities regarding the application and shall make a report back to the Village Clerk within 14 days of receipt of the application.

The Village Clerk shall balance the hardship of the applicant with the overall health welfare and safety of the community. After considering all relevant information, the Village Clerk shall either issue a temporary exemption or deny the request. If the request is denied, the Village Clerk shall state the reasons for denial in writing. If after 28 days from the date of the original submission the Village Clerk has not taken action on the request, the Village Manager shall either approve or deny the permit in the same manner as is required of the Village Clerk. Reasonable conditions may be imposed on any permit issued.

**622.07 Variances**

The Village Council may grant variances to the requirements of this Chapter upon the submission of such requests for either regular or permanent occurrences as follows:

1. All such requests shall be made in writing, and shall be accompanied by a reasonable fee set by resolution of the Village Council. Said fee shall be used to off-set costs incurred by the Village in reviewing the application.
2. Upon receipt of an application and fee, the Village Clerk or his/her designee shall schedule a public hearing for consideration of the application.
3. The Village Clerk shall cause to be mailed to the owners of all properties within 500 feet of the site of the proposed noise variance (as well as the owner of the property for which the variance is sought) a notice informing said owners of the date, time, and location of the public hearing. This notice shall also contain a brief summary of the request.
4. The Village Clerk shall also cause to be published once in a notice in a newspaper of general circulation of the public hearing on the variance.
5. The notices detailed in subsections 3 and 4 above are to be done at least 15 days prior to the public hearing.
6. No variance shall be granted unless the applicant proves to the Village Council that all of the requiring standards will be met:
  - a. Enforcement of the Ordinance provision at issue would constitute an unreasonable hardship.
  - b. The sound allowed pursuant to the requested variance would not have a significant adverse impact upon nearby properties or residents.
  - c. The intent and purposes of this Ordinance will be met.
  - d. The requested variance is reasonable.
7. The Village 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.

8. No variance granted shall be effective until the applicant and Village have entered into a written agreement detailing the conditions of the variance. All such agreements shall be recorded with the Isabella County Register of Deeds.

**622.09 Noises & Vibrations Prohibited**

The following activities and uses are prohibited:

1. Dogs or other animals that by frequent or long continued noise disturb the comfort or repose of any person.
2. The noise associated with construction of buildings except during the hours of 7:00 AM to 8:00 PM unless prior written permission has first been obtained from the Village Zoning Administrator.
3. The playing of any radio, television, or other entertainment device or musical instrument at such volume that it annoys the reasonable peace and comfort of anyone within the Village of Lake Isabella.
4. Nuisance parties and frequent gatherings whereby a public nuisance is created by continued disruption of the public's peace and quiet.
5. The use of loudspeakers or public-address systems in any residential district for advertising or for business or commercial purposes or uses between the hours of 7:00 PM and 8:00 AM of the following day.
6. No gasoline or diesel-powered motor vehicle shall operate an engine brake on any public street or roadway in the Village of Lake Isabella, with the exception of Coldwater Road. This prohibition on the use of engine brakes shall not apply in emergency situations when the use of an engine brake is needed to protect life or property.
7. Disturb the public peace and quiet by loud or boisterous conduct.
8. Create a substantial and unreasonable noise or sound that disturbs the peace or quiet of any neighborhood or that causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

9. Disturb the peace by unreasonable noise.

**622.11 Allowed Noise Levels**

1. No person or company shall conduct or allow any activity, including those specifically prohibited herein, that produces a DBA that is measured on another lot or parcel that exceeds the table below:

<b>Receiving Parcel Zoning</b>	<b>Time of Day</b>	<b>Max. Allowed DBA</b>
Residential	7 AM – 10 PM	50
Residential	10 PM – 7 AM	40
Business/Commercial	7 AM – 10 PM	60
Business/Commercial	10 PM – 7 AM	50
Industrial	Any	70
Noise Sensitive Areas	Established by Resolution of the Village Council	

2. Even if a particular noise is less than the DBA mentioned above, it will still be in violation of this Chapter if it violates any of the provisions of Chapter 622.09 hereof.
3. No noise or vibration originating on a parcel or lot shall be audible or felt further than 5,280 feet away from that lot or parcel during the hours between 10:00 p.m. and 7:00 a.m. the next morning.

**622.13 Noise Sensitive Areas**

The Village Council may by resolution designate locations as noise sensitive zones. These areas may include uses such as schools, hospitals, houses of worship, assisted living facilities, parks, and cemeteries. Resolutions creating such zones shall include the allowed DBA limit for outdoor sound and noise within the noise sensitive zone. A violation of the limit established by such a resolution shall constitute a violation of this Chapter.

**622.15 Enforcement**

1. Complaints: Complaints regarding the violation of this Chapter shall be filed with the Chief Code Enforcement Officer of the Village.
2. Enforcement: The Chief Code Enforcement Officer is hereby authorized and empowered to enforce all provisions of this Chapter and any subsequent

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amendments hereto, including issuing municipal civil infraction notices and citations/tickets.

3. Penalties: A person or firm that violates this Chapter shall be deemed responsible for a municipal civil infraction with fines and penalties as detailed in Chapter 222 of the codified ordinances of the Village of Lake Isabella.