

PENINSULA TOWNSHIP NOISE ORDINANCE No. 40

THE TOWNSHIP OF PENINSULA, GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:

Section 101 General Provisions

Title: This ordinance shall be known and cited as the Peninsula Township Noise Ordinance.

Statement of Intent: The regulation of noise in and throughout the community shall continue to retain and protect the public health, safety and general welfare of the residents, property owners and property values within Peninsula Township, Grand Traverse County, Michigan.

Section 102 Definition

Noise Disturbance: No person within the township shall cause a noise disturbance, which is defined as sound created by human activity with or without the use of any device, which by reason of its volume, intensity, location, or time of day impairs the health, welfare, or peace of another person of normal human sensibilities.

Section 103 Prohibited Acts & Enforcement

The Grand Traverse County Sheriff and his deputies are authorized as local enforcement officers for the following acts and activities which are declared to be noise disturbances and are prohibited. This enumeration shall not be deemed exclusive:

- A. The playing of any radio, television, phonograph, or other sound reproduction device, or musical instrument in such a manner or at such a volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of persons in the vicinity.
- B. The keeping of any animal or bird which, by causing frequent or long continued noise, shall unreasonably disturb the comfort and repose of any person in the vicinity.
- C. The use of any motor vehicle, including motorcycles, in such a manner as to create an unreasonably disturbing noise, including but not limited to, the screeching of tires and the discharge into the open air of exhaust from the engine without a sufficient muffler.
- D. Shouting or other raucous or boisterous behavior for an unreasonable length of time.

Section 104 Penalties

- A. A violation of this ordinance is a municipal civil infraction, subject to a maximum fine of \$500.00 plus court costs.

- B. Any person who refuses to abate a noise disturbance upon the demand of an authorized local enforcement officer, interferes with the officer's enforcement of the ordinance, or retaliates against another who had made complaint of a noise disturbance is guilty of a misdemeanor punishable by maximum 90 days in jail and a fine of \$ 500.00 plus court costs.

Section 105 Exemption

Exempted from this ordinance is any activity defined as a "farm operation" by the Michigan Right to Farm Act, 1980 P.A. 93, MCL 286.471 *et seq.*

Section 106 Non-exclusive Remedy

Nothing in this ordinance impairs or precludes a separate cause of action provided by statute or common law for conduct prohibited herein.

Section 107 Severability

The provisions of this ordinance are severable and if any part is declared void or unenforceable by a court of competent jurisdiction, the remaining parts shall remain in force.

Section 108 Effective Date

This ordinance shall take effect on April 13, 2010.

#40

ORDINANCE CERTIFICATION

At a regular meeting of the Peninsula Township Board, Grand Traverse County, held in the Peninsula Township Hall, located at 13235 Center Rd., Traverse City, Michigan, on April 13, 2010, at 7:00 p.m.

PRESENT: Rosi, Wilson, Weatherholt, Hoffman, Byron, Horton & Manigold

ABSENT: None

It was moved by Horton and supported by Rosi that the following Ordinance be adopted:

(See attached PENINSULA TOWNSHIP ORDINANCE)

YES: Weatherholt, Byron, Horton, Rosi, Wilson, & Manigold

NO: Hoffman

ORDINANCE DECLARED ADOPTED.

PENINSULA TOWNSHIP

By: 
Robert K. Manigold, Supervisor

I, the undersigned, the Clerk of the Township of Peninsula, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Peninsula Township Board of said County at its regular meeting held on April 13, 2010, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Traverse City Record Eagle on April 18, 2010.

Dated: 4/13/10


Monica A. Hoffman, Clerk

Note: The Ordinance and this Ordinance Certification should be placed in the Township Ordinance Book.