

PENINSULA TOWNSHIP

NOISE ORDINANCE No. 40, Amendment #1

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 Definitions:

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 and Enforcement:

The Grand Traverse County Sheriff and his deputies and the Peninsula Township Ordinance Enforcement Officer and Zoning Administrator are authorized as local enforcement officers of the following acts and activities which are declared to be a noise disturbance 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 person(s) 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(s) 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.
- E. Construction or repair of buildings, earth moving, tree cutting and chipping operations. The erection, alteration, repair or demolition of any building or structure, excavation, earth moving, tree cutting or wood chipping activity other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and from 8:00 a.m. and 6:00 p.m. Saturday and Sunday where such activity results in the creation of unusually loud or repetitive noise and not limited to back up alarms on construction or earth moving equipment or undulating noise from the use of a chain saw or wood chippers which annoys, disturbs, injures or unnecessarily impairs the comfort, repose, health peace or safety of others except in cases of urgent and necessity in the interest of the public health and safety for the duration of the emergency.

Section 104 Penalties:

A. A violation of this ordinance is a municipal civil infraction, subject to a maximum fine of \$1,000.00 plus any court costs incurred. 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 filed the complaint of a noise disturbance is also guilty of a misdemeanor punishable by a maximum 90 days in jail and a fine of \$1,000.00 plus any 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 of 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 full force.

Section 108 Effective Date:

This ordinance shall take effect immediately after its adoption by the Peninsula Board of Trustees on July 13, 2021.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Peninsula Township Board of Trustees, at a meeting held on July 13, 2021.

I hereby further certify that the following Township Board members were present at the meeting: _____

and the following Township Board Members were absent: _____

I further certify that Member Wahl moved for the adoption of the Ordinance, and that motion was supported by Member Wunsch.

I further certify that the following Peninsula Township Board Members voted for the adoption of the Ordinance:
Margold, Wahl, Finger, Wunsch, Ashorn, Chown

and that the following Peninsula Board members voted against adoption of the Ordinance: _____

Becky Chown
Becky Chown, Clerk,
Peninsula Township Clerk

Amendment #1

I certify that this is a true copy of Ordinance No. 40 of 2021 that was adopted at a regular meeting of the Township Board of Trustees of Peninsula Township on July 13, 2021, and published in the Traverse City Record Eagle on:

Dated: July 14, 2021
Becky Chown
Becky Chown, Clerk