HOMESTEAD TOWNSHIP

BENZIE COUNTY

REVISED NOISE ORDINANCE

ORDINANCE NO. 2024- \_\_

A REVISED ORDINANCE TO REGULATE NOISE AND DISRUPTION IN HOMESTEAD

TOWNSHIP, PROHIBITING ANY LOUD NOISE OR SOUND THAT ENDANGERS OR

INJURES THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS AND VISITORS TO HOMESTEAD TOWNSHIP AND TO PROVIDE PENALTIES AND ENFORCEMENT OF VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF HOMESTEAD ORDAINS:

ARTICLE I. Creation of the Homestead Township Noise Ordinance

**Section 1. Title**.

This ordinance shall be known as the Homestead Township Revised Noise Ordinance, also referred to as the “Revised Noise Ordinance”.

**Section 2. Purpose**.

The purpose of this ordinance is to protect and promote the public health, safety, and welfare of the residents and visitors of the Township by prohibiting any loud noise or sound that disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.

**Section 3. Definitions**.

“Boat” means every description of watercraft used or capable of being use as a means of transportation on water, including personal watercraft and non-motorize boats such as a canoes, rowboats, and rafts.

“Motor vehicle” means any wheeled vehicle in, upon, or by which any person or property is or may transported or drawn upon a highway and which is designed to be self-propelled.

Person: means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity (including more than one [plural]of the same).

**Section 4. Prohibited Activities**

No person shall engage in conduct which produces a noise or sound which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, and no person shall permit or allow any other person on his, her or its property to engage in any conduct which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.

Noises and sounds, which are determined to be in violation of this ordinance, include, without limitation, the following:

1. Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound producing device in such a manner or with such volume that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.
2. Yelling, shouting, hooting, singing, or sounding or using any horn, siren, whistle or bell, or making other noise that because of its volume, frequency, or shrillness unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person or normal sensitivities or unreasonably annoys or disturbs the well-being of any animal.
3. Sounding or using any horn, siren, whistle, bell or other warning devices on a boat or motor vehicle in a manner that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, unless the sounding or use of such horn, siren, whistle, bell or other warning device and the manner of such sounding or use is authorized by the state motor vehicle code or other state law.
4. The keeping or harboring of any domestic, or other, dog or any other animal or bird, which shall, by loud or frequent or habitual (and/or continued and repeated) barking, yelping or howling, or other noises, causes serious and unreasonable annoyance to neighboring properties, the neighborhood, or to people passing on the street, in the context of any reasonable person of normal sensitivities.

**Section 5. Exempt Activities**.

This ordinance shall not apply to any loud noise or sound generated in connection with parades, musical productions or events authorized by Homestead Township, the local school district, or a civic or community organization and shall not apply to loud noise or sounds, including the operation of amplified sound systems, generated by the Homestead Township fire department or any police or fire official when used to disseminate official information or to provide official warnings. Further 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 6. Nuisance Per Se**.

A violation of this ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

**Section 7. Fines (District Court)**.

Any person who violates any provision of the Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, as amended, and shall be subject to the following fines:

1. A first offense shall be punishable by a fine in the amount up to One Hundred and 00/100 ($100.00) Dollars.
2. A second offense within two (2) years of the date, on which the person was found responsible for the first violation, shall be punishable by a fine in an amount up to Two Hundred Fifty and 00/100 ($250.00) Dollars.
3. A third or subsequent offense within two (2) years of the date, on which the person was found responsible for the first violation, shall be punishable by a fine in an amount up to Five Hundred and 000/100 ($500.00) Dollars.
4. Each day this ordinance is violated shall be considered a separate violation.

**Section 8. Injunctive Relief and Costs (District Court).**

In addition to the fines in Section 5, the Township may also obtain injunctive relief and/or a compliance order in the District Court pursuant to Chapter 87 of the Revised Judicature Act (or “RJA”) pertaining to municipal civil infractions. The Township may also recover all of its costs of enforcement as well under Chapter 87 of the RJA.

**Section 9. Injunctive Relief and Costs (Circuit Court).**

In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution in District Court, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violations of this ordinance and recover any costs as allowed by law.

**Section 10. Separate Misdemeanor Offense (District Court).**

As a separate offense, 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 has made a 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 11. Enforcement Officials**.

The Township supervisor, zoning administrator, the township ordinance enforcement officer, and deputies of the Benzie County sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this ordinance to appear in court.

**Section 12. Revocation of Prior Noise Ordinances**.

Any prior Township noise ordinances, including, but not limited to Noise Ordinance 18-6-8, and any amendments thereto, are hereby revoked by this Revised Noise Ordinance.

**Section 13. Validity and Severability**.

If any section, provision, or clause of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or application of this ordinance, which can be given effect without the invalid portion or application.

**Section 14. Effective Date**.

This ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Adoption of the foregoing ordinance was moved by \_\_\_\_\_and supported by \_\_\_\_\_\_\_.

Voting for:

Voting against:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Tia Kurina- Cooley

 Township Supervisor

Clerk Certification - I, Karen Mallon, Clerk of the Township of Homestead, Benzie

County, Michigan, do hereby certify that the above is a true and correct copy of the

Homestead Township Revised Noise Ordinance as adopted by the Homestead Township Board at a meeting held on the \_\_\_th day of \_\_\_\_\_\_\_, 2024 at which a quorum was present.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Karen Mallon, Clerk

Adopted:

Published:

Effective: