

**ALMIRA TOWNSHIP
AMENDMENT AND RESTATEMENT OF NOISE ORDINANCE**

Ordinance No. 8-2 of 2014

**AN ORDINANCE TO AMEND AND RESTATE ORDINANCE NO. 05-01-2010
PROHIBITING ANY LOUD NOISE OR SOUND THAT ENDANGERS OR
INJURES THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE
RESIDENTS OF AND VISITORS TO ALMIRA TOWNSHIP AND TO PROVIDE
PENALTIES FOR VIOLATIONS OF THE ORDINANCE.**

THE TOWNSHIP OF ALMIRA ORDAINS:

ARTICLE I. The Almira Township Noise Ordinance, No. 5-01 of 2010, is hereby restated and further amended to read as follows:

Section 1. Title.

This ordinance shall be known as the Almira Township Noise Ordinance.

Section 2. Purpose.

Based on the findings which have been made by the Almira Township Board, the purposes of this ordinance are 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.

As used in this ordinance:

"Boat" means every description of water craft used or capable of being used as a means of transportation on water, including personal water craft and non-motorized boats such as a canoes, rowboats, and rafts. Boat, however, does not include an air mattress, paddle board, paddle boat, boogie board, or similar device used by one(1) or two (2)persons for floating or paddling.

"Motor vehicle" means any wheeled vehicle in, upon, or by which any person or property is or may be 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.

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 violations of this ordinance, include, without limitation, the following:

- (a) 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.
- (b) 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 of normal sensitivities or unreasonably annoys or disturbs the well being of any animal.
- (c) Sounding or using any horn, siren, whistle, bell or other warning device 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.
- (d) Revving up the engine of a motor vehicle or boat in such a manner or with such volume or frequency or at such time of the day that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities.

Section 5. Exempt Activities.

~~Section 4~~ This ordinance shall not apply to any loud noise or sound generated in connection with parades, musical productions or events authorized by Almira Township, the local school district, or a civic or community organization and shall not apply to loud noise or sound, including the operation of amplified sound systems, generated by the Almira Township fire department or any police or fire official when used to disseminate official information or to provide official warnings.

Section 6. Violations and Penalties.

- (a) Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act

236 of 1961, being sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:

- (1) The penalty for a first offense, shall be a fine in an amount up to One Hundred and 00/100 (\$100.00) Dollars.
- (2) The penalty for a second offense within two (2) years of the date on which the person was found responsible for the first violation, shall be in an amount up to Two Hundred Fifty and 00/100 (\$250.00) Dollars.
- (3) The penalty for 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 a fine in an amount up to Five Hundred and 00/100 (\$500.00) Dollars.

(b) Each day this Ordinance is violated shall be considered a separate violation.

Section 7. 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 8. 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 9. Separate Court Action.

In addition to enforcing this ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution, the Township may initiate proceedings in the Circuit court to abate or eliminate the nuisance per se or any other violation of this ordinance.

Section 10. Validity.

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 effect any remaining portions or application of this ordinance, which can be given effect without the invalid portion or application.

Section 11. Prior Offenses.

Notwithstanding the provisions of this ordinance, any offenses which took place prior to the effective date of this ordinance are enforceable under the provisions of existing Ordinance No. 05-01-2010.

Section 12. 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 Beaujean and supported by Therrien.

Voting for: Roper, Therrien, Rineer, Beaujean and Clous

Voting against: None

The ordinance was declared adopted.

Mark Roper
Township Supervisor

CERTIFICATION

The above is a true copy of Ordinance No. 8-2 of 2014, which amended Ordinance No. 05-01 of 2010 and was duly adopted by the Almira Township Board of Trustees at a regularly scheduled meeting held on August 18, 2014.

Tammy Clous
Township Clerk

Amended: 8 - 1 8 - 1 4

Published: 8-23-14

Effective Date: 9-22-14