

HOMESTEAD TOWNSHIP

NOISE ORDINANCE AMENDMENT

ORDINANCE NO. __ (AMENDING ORDINANCE NO. 18-6-8)

At a regular meeting of the Township Board of Homestead Township, Benzie County, Michigan, held at the Homestead Township Hall on October 4, 2021 at 6:00 p.m., Township Board Member Tia Cooley moved to adopt the following ordinance, which motion was seconded by Township Board Member Mike Mead.

An Ordinance to amend the Homestead Township Noise Ordinance, as amended, to update the regulations to remove an hours-limitation imposed under Section 4 of the Homestead Township Noise Ordinance, as amended, so as to promote the public health, safety and general welfare of the Township.

HOMESTEAD TOWNSHIP, BENZIE COUNTY, ORDAINS:

SECTION 1. Amendment to Noise Ordinance, Section 4: Noise Ordinance, Section 4, shall be amended to remove any hours-limitation and to read as follows:

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 violation 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 unreasonable 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 or 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 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.

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 2: Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 3: Effective Date: This Ordinance shall take effect thirty (30) days after being published in a newspaper of general circulation within the Township.

YEAS: Cooley, Mead, DeLorme, Butler

NAYS: none

ABSENT: Mallon

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Karen Mallon, Clerk of Homestead Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. _____ adopted by Homestead Township on the _____, 2021. A summary of the Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Homestead Township, on _____, 2021. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted. I filed an attested copy of the Ordinance with the Benzie County Clerk on _____, 2021.

Karen Mallon, Homestead Township Clerk