

BEAR LAKE TOWNSHIP
Ordinance No. 1 of 2020

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO PROHIBIT ANY LOUD NOISE OR SOUND THAT ENDANGERS OR INJURES THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS AND VISITORS TO BEAR LAKE TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF BEAR LAKE ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Bear Lake Township Noise Ordinance.

Section 2. Purpose.

The Bear Lake Township Board hereby finds that noise because of its volume, frequency, or shrillness can unreasonably annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of residents and visitors of the Township. Therefore, 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 prohibit 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 cause or create and no person shall knowingly allow another person to cause or create on property that is owned or legally occupied by that person any loud noise or sound that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities, including but not limited to:

- (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.
- (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; the engine of other vehicles, including but not limited to snowmobiles, all-terrain vehicles, and off-road motorcycles; and the engine of power equipment, including but not limited to generators and compressors, 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.
- (e). Allowing animals under the control of the property owner or under the control of the person legally entitled to possess the property to bark, howl, crow, or make other noises that are common to their species which, due to 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. This subsection, however, shall not apply to farm animals subject to the Michigan Right to Farm Act, MCL 286.471, *et seq*, as amended, and kept in compliance with all applicable Generally Accepted Agricultural Management Practices (GAAMPs).
- (f). Erecting (including excavating), demolishing, altering, or repairing any building or structure after 10 p.m. and before 7 a.m. the following morning, when such activity results in the creation of loud noise that because of its volume or frequency 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 shall not apply to any loud noise or sound generated in connection with parades, musical productions or events authorized by Bear Lake 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 Bear Lake 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). For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.

(2). For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.

(3). For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of 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, and deputies of the Kalkaska 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

