

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

OV THE FARM, LLC, a Michigan limited
liability company, BOWERS HARBOR
VINEYARD & WINERY, INC., a Michigan
corporation, and WINERIES OF THE OLD
MISSION PENINSULA ASSOCIATION., a
Michigan nonprofit corporation,

Honorable:

Case No:

Plaintiffs,

v

PENINSULA TOWNSHIP, a Michigan municipal
corporation,

Defendant.

MILLER, CANFIELD, PADDOCK
AND STONE, PLC

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COMPLAINT

This case is related to *Wineries of the Old Mission Peninsula Association, et al. v. Peninsula Township*, Case No. 1:20-cv-1008 (W.D. Mich.), which is assigned to the
Honorable Paul L. Maloney and Magistrate Judge Ray S. Kent.

INTRODUCTION

1. The Wineries bring this action because Peninsula Township refuses to accept this Court's judgment entered in *Wineries of the Old Mission Peninsula Association, et al. v. Peninsula Township*, Case No. 1:20-cv-1008 (W.D. Mich.) (the "WOMP Case"). Peninsula Township is again attempting to infringe upon its residents' constitutional rights by pretending the WOMP Case never happened. Plaintiffs, therefore, seek declaratory and injunctive relief to prohibit the Township from enforcing restrictions this Court already ruled were not enforceable. Plaintiffs also seek relief from a noise ordinance the Township is now enforcing against at least one of the Wineries even though the Township's Ordinance Enforcement Officer has publicly and repeatedly stated that noise ordinance is unenforceable. Without that relief, Peninsula Township is threatening to shut down at least one Winery entirely and is likely to threaten others.

PARTIES AND JURISDICTION

2. Plaintiff OV the Farm, LLC is a Michigan limited liability company which operates a winery under the trade name Bonobo Winery ("Bonobo") with its principal place of business in Peninsula Township, Grand Traverse County, located in the Western District of Michigan.

3. Plaintiff Bowers Harbor Vineyard & Winery, Inc. ("Bowers Harbor") is a Michigan corporation with its principal place of business in Peninsula Township, Grand Traverse County, located in the Western District of Michigan.

4. Plaintiff Wineries of the Old Mission Peninsula (WOMP) Association ("WOMP") is a Michigan nonprofit corporation with its principal place of business in Peninsula Township, Grand Traverse County, located in the Western District of Michigan.

5. WOMP is a voluntary membership trade association of licensed winery operations located on Peninsula Township's Old Mission Peninsula.

6. WOMP represents the unique interests of its members Bowers Harbor, Brys Estate Vineyard & Winery, Chateau Chantal, Chateau Grand Traverse, Hawthorne Vineyards, Mari Vineyards, Winery at Black Star Farms, Two Lads, Tabone Vineyards, and Peninsula Cellars.

7. Old Mission Peninsula's wine industry is a specialized segment of Michigan's larger economic community.

8. WOMP's purpose is to protect and promote the Old Mission Peninsula wine industry.

9. To that end, WOMP provides services to its members, such as advertising its members' services and products and organizing events at its members' locations to increase tourist traffic for its members and for Old Mission Peninsula as a whole.

10. Bonobo, Bowers Harbor, and all of the other WOMP members, and WOMP itself were plaintiffs in the WOMP Case.

11. WOMP has associational standing to protect its members' interests because (1) its members would otherwise have standing to sue in their own right, (2) the interests WOMP seeks to protect are germane to its organizational purpose, and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. *See Friends of Tims Ford v. Tenn. Valley Authority*, 585 F.3d 955, 967 (6th Cir. 2009) (citing *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 343 (1977)).

12. Defendant Peninsula Township is a general law Township organized and existing under the laws of the State of Michigan with its offices located at 13235 Center Rd., Traverse City, Michigan.

13. This action arises under the United States Constitution and 42 U.S.C. § 1983.

14. The Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.

15. This Court has supplemental jurisdiction over the state law claims under 28 U.S.C. § 1367.

16. This Court has the authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202.

17. This Court has the authority to grant declaratory and injunctive relief under Federal Rules of Civil Procedure 57 and 65, respectively.

18. Venue is proper in this Court under 28 U.S.C. § 1391(b) because (i) Peninsula Township is located in Grand Traverse County which is in this judicial district and Defendant Sanders resides in this judicial district, and (ii) the events or omissions giving rise to Plaintiffs' claims occurred in this judicial district.

19. Plaintiffs' claim for attorneys' fees and costs is authorized by 42 U.S.C. § 1988.

FACTUAL ALLEGATIONS

20. On July 7, 2025, this Court "concluded that the Township has repeatedly and pervasively violated the Wineries' constitutional rights" and awarded the plaintiffs in the WOMP Case nearly \$50 million in damages caused by Peninsula Township's unconstitutional enforcement of its winery ordinances.

21. This Court made findings of fact with respect to Bonobo, including:

On May 14, 2013, the Board approved a Winery-Chateau SUP, designated SUP #118, for Bonobo. SUP #118 included Board approval for Guest Activity Uses. Bonobo called Todd Oosterhouse, its owner and General Manager. Bonobo planted its first vines in 2010 and opened to the public in 2014. Bonobo's winery property consists of 50 acres, with 23 acres of vines. Bonobo harvests 45-80 tons of grapes annually. Bonobo leases its property from a related entity, Oosterhouse Vineyards, LLC. Bonobo was a Winery-Chateau and holds licenses and permits from the MLCC.

At trial, the Township focused on whether Bonobo qualified for "Guest Activity Uses." The Township questioned whether Bonobo planted sufficient acreage to comply with the Winery-Chateau Ordinance. There initially was a dispute between the parties on this issue, but it was resolved by a settlement agreement requiring

Bonobo to plant an additional 5.95 acres of vines. Bonobo then planted a further 7.95 acres

With this issue resolved, David Sanger, the Township's enforcement officer, told Bonobo it could have Guest Activity Uses if Bonobo submitted grape tonnage reports. Bonobo provided its tonnage reports, (ECF No. 611-34 at PageID.25836); (ECF No. 600 at PageID.23025), and was told it was approved for Guest Activity Uses.

(WOMP Case, ECF No. 623, PageID.31448–PageID.31449.)

22. With those findings of fact, this Court found that Bonobo was approved for Guest Activity Uses.

23. After finding that Bonobo was approved for Guest Activity Uses, this Court awarded Bonobo \$555,942.40 and \$6,393,837.50 for the Township's unconstitutional enforcement of its ordinances which prevented Bonobo from hosting small and large events, respectively.

(WOMP Case, ECF No. 623, PageID.31479.)

24. This Court similarly awarded every WOMP member damages resulting from Peninsula Township's unconstitutional prohibition on hosting events on winery properties. (*Id.*)

25. The impact of this Court's judgment was to recognize that Bonobo and every WOMP member were lawfully allowed to host events on their properties.

26. Following this Court's judgment in the WOMP Case, Peninsula Township has waged a public relations and land use war against wineries within Peninsula Township.

27. Peninsula Township officials have repeatedly made public statements indicating that they disagree with this Court's judgment and that they do not intend to follow it.

28. On August 12, 2025, Township Clerk Becky Chown stated that the WOMP Case “was effectively lost when the township was sanctioned in 2021, creating prejudice in federal court[.]” (**Exhibit 1: August 12, 2025 Meeting Minutes at 8.**)

29. Although not reflected in the actual meeting minutes, Clerk Chown also stated:

We have inherited a mess and we're doing our best to get out of it. I said this before, but the day Judge Maloney sanctioned Peninsula Township in the fall of 2021, we lost the case in federal court, we had to get through the case. We had to get through oral arguments. We had to get through the trial. We had to endure the verdict and judgment that was handed down knowing that we were going to lose. And we did. It was expected because when a judge sanctions you in federal court, the prejudice is so great that you just don't stand a chance.

30. Clerk Chown also stated:

If those wineries want to collect that judgment, come and get it. Bring it on. If they want that judgment from the residents of Peninsula Township, they should serve us with that order and take it and we will do what we have to do. ... I can't fathom collecting on that judgment. And I want to believe that the wineries would never ever do that. I hope that they wouldn't. And I believe we will prevail in the Sixth Circuit Court of Appeals. I believe it with all my heart. and having read the 75-page judgment, I've never felt more confident in our position.

31. Clerk Chown's comments in paragraphs 28–30 reflect Peninsula Township's position following the judgment in the WOMP Case.

32. To date, the Wineries have refrained from enforcement of the judgment in the hope that a settlement could be reached.

33. The Township has ignored this Court's findings and damages award and has instead threatened to shut down Bonobo.

34. On November 21, 2025, the Township, through its attorney, sent a letter to Bonobo's attorney with the caption "Re: Violations of SUP # 118 occurring at 12011 Center Road, Traverse City, MI 49686." (**Exhibit 2: 11/21/25 Letter**) (the "November 21, 2025 Letter").

35. The Township asserted that Bonobo violated the Township's noise ordinance when it played music. (*Id.* at 2.)

36. The Township asserted that Bonobo held, or was planning to hold, private events, including holiday parties, rehearsal dinners and weddings, and a "Tuscan lunch." (*Id.* at 1.)

37. The Township asserted that those “events are not permitted by any section of the zoning ordinance for the A-1 Agricultural Zoning District, and we have no record that Bonobo was ever granted guest activity use approval via the Township.” (*Id.* at 2.)

38. Through its November 21, 2025 Letter, the Township threatened to revoke Bonobo’s special use permit and, effectively, shut Bonobo down. (*Id.* at 5.)

39. The November 21, 2025 Letter represents Peninsula Township’s official and final position that “events are not permitted by any section of the zoning ordinance for the A-1 Agricultural Zoning District” with respect to Bonobo and every WOMP member.

**COUNT I – FIRST AMENDMENT RETALIATION AGAINST BONOBO
(42 U.S.C. § 1983)**

40. Plaintiffs incorporate the preceding paragraphs as though fully restated herein.

41. The First Amendment of the United States Constitution, through the Due Process Clause of the Fourteenth Amendment, is applicable to local units of government like Peninsula Township.

42. Bonobo has a First Amendment right to petition the Courts for redress of grievances against the government, including Peninsula Township.

43. Bonobo has a First Amendment right to engage in free speech, including the playing of music on its property.

44. Bonobo has a First Amendment right to host customers on its property.

45. By filing the WOMP Case as a plaintiff, Bonobo engaged in conduct protected by the First Amendment.

46. By playing music and hosting customers and events on its property, Bonobo engaged in conduct protected by the First Amendment.

47. Peninsula Township's November 21, 2025 Letter included the overt threat that Peninsula Township would revoke Bonobo's special use permit and shut Bonobo down if it did not comply with Peninsula Township's demands to cease playing music, hosting customers, holding events, and serving food.

48. Also implicit in the November 21, 2025 Letter was Peninsula Township's threat that it would continue similar enforcement activity against Bonobo if Bonobo did not abandon its damages award against Peninsula Township from the WOMP Case.

49. Peninsula Township's decision to send the November 21, 2025 Letter was motivated at least in part as a response to Bonobo's exercise of its First Amendment rights, including filing the WOMP Case and exercising the operational rights clarified in the WOMP Case.

50. Upon information and belief, Peninsula Township's decision to send the November 21, 2025 Letter was motivated at least in part to obtain leverage over Bonobo as part of settlement discussions related to the WOMP Case.

51. Peninsula Township's overt and implicit threats against Bonobo would chill a person of ordinary firmness from continuing to engage in the rights won in the WOMP Case and from continuing to prosecute the WOMP Case against the Township.

52. Bonobo has suffered damage as a result of Peninsula Township's retaliation.

WHEREFORE, Bonobo requests that this Court enter a judgment in its favor and against Peninsula Township (1) finding that Peninsula Township retaliated against Bonobo in violation of the First Amendment, (2) awarding Bonobo nominal damages; (3) awarding Bonobo its attorneys' fees under 42 U.S.C. § 1988 and also its costs incurred in bringing this challenge, and (4) awarding Bonobo any other relief the Court deems necessary and appropriate.

**COUNT II – DUE PROCESS – VOID FOR VAGUENESS
(42 U.S.C. § 1983)**

53. Plaintiffs incorporate the preceding paragraphs as though fully restated herein.

54. Plaintiffs have a First Amendment right to play music on their property.

55. Plaintiffs regularly plays music on their property to entice guests to come to the property and purchase their products.

56. Peninsula Township’s current noise ordinance is Noise Ordinance No. 40, Amendment #1 (the “Noise Ordinance”). (**Exhibit 3: Noise Ordinance.**)

57. The Noise Ordinance defines a “noise disturbance” 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.” (**Noise Ordinance, § 102.**)

58. The Noise Ordinance prohibits 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 or person(s) in the vicinity.” (*Id.*, § 103(A).)

59. Peninsula Township penalizes violations of the Noise Ordinance as a municipal civil infraction. (*Id.*, § 104.)

60. Peninsula Township also treats violations of the Noise Ordinance as a reason to revoke a special use permit.

61. Peninsula Township has asserted that Bonobo violated § 102 and § 103(A) on September 20, 2025. (**Exhibit 2: 11/21/25 Letter at 3.**)

62. According to Peninsula Township, “Several people spoke with the Township and detailed the disturbance caused by this event.” (*Id.*)

63. Peninsula Township has never identified any of these “Several people” to Bonobo.

64. Peninsula Township has further asserted that Bonobo violated the Noise Ordinance on September 30, 2023 and September 13, 2024. (*Id.*)

65. Despite its assertion that Bonobo violated the Noise Ordinance on September 30, 2023 and September 13, 2024, Peninsula Township has not issued any written violations for those purported disturbances to Bonobo and has not taken any action against Bonobo for them.

66. Because of Peninsula Township’s asserted violations, Peninsula Township is threatening to revoke Bonobo’s special use permit and to shut down Bonobo’s operations entirely.

67. Peninsula Township’s Ordinance Enforcement Officer is David Sanger.

68. Mr. Sanger is also a Peninsula Township Trustee.

69. On multiple occasions before Bonobo’s most recent alleged violation, Mr. Sanger has stated publicly and in his official capacity that the Noise Ordinance is “vague and unenforceable.”

70. At a Township Board meeting on August 12, 2025, Mr. Sanger stated that the Noise Ordinance is “outdated and largely unenforceable” because it “relies on subjective judgment and lacks measurable standards.” (**Exhibit 1: 8/12/25 Meeting Minutes at 5.**)

71. At a Township Board meeting on September 9, 2025, Mr. Sanger stated that the current Noise Ordinance “is vague and unenforceable.” (**Exhibit 4: 9/9/25 Meeting Minutes at 2.**)

72. Even as to the incident on September 20, 2025, a Saturday, Mr. Sanger admitted that Bonobo stopped the offending sound right at 9:00 p.m.

73. The Noise Ordinance is unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment because it does not provide fair notice of the type of conduct prohibited.

74. The Noise Ordinance is unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment because it encourages subjective and discriminatory application by delegating to those empowered to enforce the ordinance the unfettered discretion to determine whether the Noise Ordinance has been violated.

75. The Noise Ordinance is unconstitutionally vague because it is overbroad in violation of the First Amendment.

76. The Michigan Court of Appeals has struck down language similar to § 102 because it penalized abstract ideals about what constitutes “peace and tranquility.” *People of City of Grand Rapids v. Gasper*, 888 N.W.2d 116, 122 (Mich. Ct. App. 2016) (“A person making noise in a neighborhood is similarly required to guess whether law enforcement would consider his or her conduct as destroying the peace and tranquility of the neighborhood. Simply put, conduct that “destroy[s]” the peace and tranquility of some would not affect others to such an extent.”).

77. The Supreme Court of the United States has struck down language similar to § 103(A) because it penalized conduct which “annoyed” others. *See Coates v. City of Cincinnati*, 402 U.S. 611, 614 (1971) (“Conduct that annoys some people does not annoy others. Thus, the ordinance is vague, not in the sense that it requires a person to conform his conduct to an imprecise but comprehensible normative standard, but rather in the sense that no standard of conduct is specified at all.”)

78. Peninsula Township’s ordinance enforcement officer has already admitted that the Noise Ordinance is vague and unenforceable.

79. Bonobo has suffered harm from the threat of revocation of its special use permit and to the continued viability of its business.

80. Plaintiffs have suffered harm from the threat of similar enforcement.

81. Plaintiff have also been harmed by the chilling effect of the ordinance in that they has been forced to regulate their conduct while not being able to discern what is prohibited.

WHEREFORE, Plaintiffs request that this Court enter an order (1) declaring that § 102 and § 103(A) of the Noise Ordinance are unconstitutionally vague in violation of the Due Process Clause, (2) awarding Plaintiffs their attorneys' fees and costs incurred in bringing this challenge, and (3) awarding Plaintiffs any other relief the Court deems necessary and appropriate.

**COUNT III – FIRST AMENDMENT VIOLATION
(42 U.S.C. § 1983)**

82. Plaintiffs incorporate the preceding paragraphs as though fully restated herein.

83. Plaintiffs have a First Amendment right to play music on their property.

84. Plaintiffs regularly plays music on their property as a form of speech to entice guests to come to their property and purchase their products as well as to entertain their guests.

85. Peninsula Township uses the Noise Ordinance to impose a ban on music at Bonobo which ban would likely extend to all Plaintiffs.

86. Peninsula Township's ban on music is not rationally related to any legitimate health, safety, or welfare interest.

87. Peninsula Township does not enforce the Noise Ordinance to ban music at any location other properties in Peninsula Township.

88. Bowers Harbor and WOMP's other members similarly fear Peninsula Township's arbitrary and unconstitutional enforcement of the Noise Ordinance against them.

89. Bonobo, Bowers Harbor, and WOMP's other members have suffered harm through a chilling effect from Peninsula Township's threatened enforcement of its Noise Ordinance against music at wineries.

WHEREFORE, Plaintiffs that this Court enter an order (1) declaring that the Noise Ordinance, both on its face and in and Peninsula Township's application of the Noise Ordinance, is unconstitutional in violation of the First Amendment, (2) awarding Plaintiffs their attorneys' fees and costs incurred in bringing this challenge, and (3) awarding Plaintiffs any other relief the Court deems necessary and appropriate.

**COUNT IV –INTERFERENCE WITH DUE PROCESS LIBERTY INTEREST
(42 U.S.C. § 1983)**

90. Plaintiffs incorporate the preceding paragraphs as though fully restated herein.

91. Bonobo, Bowers Harbor, and every other WOMP member have a liberty interest, via the Due Process Clause of the Fourteenth Amendment, in operating their respective business free from arbitrary governmental interference. *See, e.g., Sanderson v. Village of Greenhills*, 726 F.2d 284 (6th Cir. 1984); *Chalmers v. City of Los Angeles*, 762 F.2d 753 (9th Cir. 1985); *United States v. Tropicano*, 418 F.2d 1069, 1076 (2d Cir. 1969); *Small v. United States*, 333 F.2d 702, 704 (3d Cir. 1964).

92. A government acts arbitrarily when it enforces restrictions that do not exist.

93. A government acts arbitrarily when it refuses to follow lawful court orders.

94. Peninsula Township has threatened to revoke Bonobo's special use permit and shut it down if it does not cease hosting events and providing food service.

95. Peninsula Township's position is based, in part, on its argument that it has "no record that Bonobo was ever granted guest activity use approval via the Township." (**Exhibit 2: 11/21/25 Letter at 2.**)

96. In entering judgment in favor of Bonobo, among others, this Court already found that the Township approved Bonobo for guest activity uses. *See* WOMP Case, ECF No. 623, PageID.31448–PageID.31449.

97. Therefore, the Township is barred by res judicata and/or collateral estoppel from relitigating the issue of whether the Township approved Bonobo for guest activity uses.

98. The Township’s position that Bonobo was not approved for guest activity uses is arbitrary and therefore violates the Due Process Clause of the Fourteenth Amendment.

99. The Township also asserts that Bonobo has no vested right in hosting events even though this Court already ruled that Bonobo was damaged from the Township’s refusal to allow Bonobo to host events in the past. (**Exhibit 2: 11/21/25 Letter at 3.**)

100. At trial, Bonobo presented evidence that it had hosted events over the years and that some of these events complied with the Township’s unconstitutional ordinances while others were in violation of the unconstitutional ordinances.

101. Therefore, the Township is barred by res judicata and/or collateral estoppel from relitigating the issue of whether Bonobo is allowed to host events.

102. After the Township repealed the offending ordinances, Bonobo became a vested nonconforming use with the full ability to host events, and nothing has changed in Bonobo’s ability to host events.

103. The Township also asserts that Bonobo cannot serve food. (**Exhibit 2: 11/21/25 Letter at 5.**)

104. In making that assertion, the Township ignores Bonobo’s special use permit, which states in relevant part that “The Township Board finds that all uses permitted onsite shall take place within the principal structure meetings and special dinners shall be allowed wherein the

participants are not registered guests of the chateau-winery and such meetings and special dinners are for agricultural purposes/education only as permitted under the Peninsula Township Zoning Ordinance.”

105. The Township also asserts that Bonobo cannot engage in “facility rentals.”

106. The Township is conflating “facility rentals” with events to try and circumvent this Court’s rulings on events from the WOMP Case.

107. Absent a declaration from this Court, Bonobo, Bowers Harbor, and WOMP’s other members will be harmed by Peninsula Township’s arbitrary and unlawful interpretation of ordinance restrictions following the WOMP Case.

WHEREFORE, Plaintiffs request that this Court enter an order (1) declaring that, consistent with the findings in the WOMP Case, Plaintiffs have vested rights in hosting events at their respective wineries, (2) enjoining Peninsula Township from enforcing any restrictions on events or “facility rentals,” however phrased, (3) declaring that Bonobo has the right to serve food at its winery and enjoining the Township from preventing food service; (4) awarding Plaintiffs their attorneys’ fees and costs incurred in bringing this challenge, and (5) awarding Plaintiffs any other relief the Court deems necessary and appropriate.

COUNT V – STATE LAW PREEMPTION

108. Plaintiffs incorporate the preceding paragraphs as though fully restated herein.

109. The Michigan Liquor Control Code allows on-premises licensees like wineries to operate restaurants. *See* Mich. Comp. Laws § 436.1536(7)(h) (“A brewer, micro brewer, wine maker, small wine maker, distiller, small distiller, brandy manufacturer, or mixed spirit drink manufacturer may own and operate a restaurant or allow another person to operate a restaurant as part of the on-premises tasting room on the manufacturing premises.”).

110. Bonobo, Bowers Harbor, and WOMP's other members are all on-premise licensees and each member holds at least one of a wine maker, small wine maker, small distiller, or brandy manufacturer license issued by the Michigan Liquor Control Commission.

111. Under the Michigan Food Law, a "food service establishment" includes fixed and mobile restaurants. Mich. Comp. Laws § 289.1107(t).

112. Under the Michigan Food Law, restaurants are places "in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public." Mich. Comp. Laws § 289.1107(t).

113. The Township has taken the position that "the provision of full-service meals is not allowable within the A-1 district." (**Exhibit 2: 11/21/25 Letter at 4.**)

114. The "provision of full-service meals" is equivalent to a restaurant. *See* Mich. Comp. Laws § 289.1107(t).

115. Peninsula Township does not allow any wineries to be operated in any district except the A-1 district.

116. Peninsula Township, therefore, does not allow any winery to operate a restaurant anywhere in Peninsula Township.

117. Peninsula Township's ban on restaurants in the A-1 district conflicts with, and is preempted by, Mich. Comp. Laws § 436.1536(7)(h).

WHEREFORE, Plaintiffs request that this Court enter an order (1) declaring that Peninsula Township's ban on wineries operating restaurants and providing "full-service meals" is preempted by Michigan law and are unlawful and unenforceable, (2) awarding Plaintiffs their attorneys' fees

and costs incurred in bringing this challenge, and (3) awarding Plaintiffs any other relief the Court deems necessary and appropriate.

Respectfully submitted,

By: /s/ Joseph M. Infante

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Dated: November 26, 2025

Exhibit 1

Peninsula Township
Township Board Regular Meeting
Shaina LaFond, Recording Secretary

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI
49686 www.peninsulatownship.com

Township Board Regular Meeting August 12, 2025, 7:00 p.m. Township Hall Minutes

1. Call to Order by Sanders at 7:17 p.m.
2. Pledge
3. Roll Call – Present: Alexander, Chown, Clark, Milliken, Sanders, Sanger, Wunsch
4. Brief Citizen Comments (for agenda items only)

R.J. & Kris Prescott, 19015 Whispering Trail: here to speak on behalf of Mission Acres, the Illini Cottagers Association, and property owners near Swaney and Old Mission roads. Submitting letters of support from more than 50 homeowners for the township's [proposed] Parking Ordinance No. 60. Believe the ordinance will help keep roads clear for emergency vehicles and road commission maintenance.

Theresa Cherrier, 18926 Bay Street: voices support for the township's parking ordinance but requests that it be expanded to include Bay Street. Explains that the street, which connects to the Haserot Beach parking lot, already absorbs significant overflow parking on busy days. Limiting parking on Swaney Road would likely increase that burden. Urges the board to amend the ordinance to address this concern.

Patrick Heintz, 580 Hidden Valley Road: a longtime township resident and retired attorney, is speaking on behalf of his neighbors and friends regarding the ongoing litigation. Drawing on 40 years of legal experience, he urges the board to step back and reconsider its litigation approach, advocating instead for open dialogue and neighborly communication. Invites board members and winery representatives to join residents informally at his beach, emphasizing the value of candid, common-sense conversations outside of formal settings. Calls for treating one another as neighbors rather than adversaries. Stresses that constructive discussion could lead to solutions that promote unity, friendship, and community well-being.

Karina Brez-Emmer, 10054 Council Oak Drive: supports reducing the speed limit on Center Road. Shares a recent personal experience of her daughter running toward the street, underscoring the danger posed by the current 55 mph limit through a residential area where families live, children play, cyclists ride, and seniors walk. Argues that lowering the limit to 45 mph would add only about 30 seconds to a trip but reduce stopping distance by 85 feet—the length of three school buses—which could save lives. Notes the lack of safe crossings for children, seniors, and people with disabilities and stresses that this is a matter of safety, not convenience. Joined by neighbors from the Council Oak neighborhood, she urges the board to support lowering the speed limit, adding crosswalks, and working with MDOT to implement these safety measures.

James YOUNGHUSBAND, 8733 Center Road: expresses concern about unsafe conditions for crossing Center Road, noting that while the posted speed limit is 55 mph, drivers frequently travel 65–70 mph, with some motorcycles exceeding 100 mph. Describes it as hazardous, particularly for children who cannot cross safely without parents present. Urges the board to establish a universal 45 mph speed limit on Center Road to improve safety.

Chad Hartley, 1634 Moonrise Court: a professional planner and former member of the township's master plan steering committee, voices support for his neighbors' concerns about Center Road safety. As a father of four, his

Peninsula Township
 Township Board Regular Meeting
 Shaina LaFond, Recording Secretary

family has had close calls while crossing the road. Emphasizes the dangers created by traffic speed, road curves, and varying residential densities. While acknowledging that Center Road falls under MDOT's jurisdiction, he notes there is precedent for collaboration and encourages the township to work with MDOT to pursue needed safety improvements.

Louis Santucci, 12602 Center Road: raises concerns about potential conflicts of interest for board members, particularly Supervisor Sanders and Trustee Sanger, suggesting that their roles could present both actual and perceived conflicts, including financial ones. Urges both to refrain from voting on the ordinance. Questions aspects of the ordinance, recommending that the board delay a vote to further study issues he previously outlined in a *Gazette* article. Warns that the high level of fines proposed could create unsafe situations if board members personally issue tickets, suggesting that only the police should handle enforcement. Encourages the board to table the ordinance for further review.

Susie Shipman, 14735 Shipman Road: thanks Karina Brez and neighbors for raising concerns about road safety and informs attendees that the township's consultants are currently developing a non-motorized transportation plan. Notes that the safety issues discussed will be included in that planning process.

Lois Byrne, 10639 Center Road: supports lowering the speed limit and shares a personal account of a driver going well over the limit who destroyed multiple mailboxes near her home. Emphasizes that if anyone had been retrieving mail at the time, the outcome could have been fatal. Describing the excessive speeds on Center Road as "mind boggling," affirms that drivers routinely exceed posted limits by at least 10 mph. Urges the board to address the safety issue.

Michael Mulcahy, 7202 Peninsula Drive: comments on speeding concerns along Peninsula Drive, recalling that consultants previously advised the township that simply changing speed limit signs has little effect, particularly on younger drivers. Suggests the township consider creative deterrents such as paintball guns triggered by speeding vehicles—or, at minimum, posting signs warning of such measures—as a way to better control speeders, especially motorcycles.

Dee Ann Sinclair, 10719 Center Road: describes the daily danger of living at the end of a hill on a blind curve, noting that each time [she pulls out of the driveway], she fears it could be her last. Emphasizes how frightening and truly dangerous the situation is and suggests that even posting additional signs could help raise awareness, acknowledging that signs will not control everyone but may still improve safety.

Kathleen Hauelsen, 6332 Hawks View: strongly opposes the memo by Supervisor Sanders and possibly supported by the board that would shut down township offices, halt planning and zoning, suspend permitting, abandon cemetery and park maintenance, and sell township properties. Calls the plan reckless, characterizing it as surrender rather than leadership, and argues it would deprive residents of essential services while permanently destroying community assets such as Mission Point Lighthouse and public parks. Stresses that insurance coverage questions remain unresolved and the appeal is still underway, making the proposal premature and fiscally unsound. Accuses the board of breaking campaign promises of fiscal responsibility, transparency, and protecting rural character, warning that dismantling services and selling land punishes rather than protects residents. Urges the township to begin mediation with the wineries immediately and resolve the lawsuit. Says she speaks not only for herself but for hundreds of homeowners who share her concerns.

Phil Martin, 18979 Whispering Trail: voices support for the proposed parking ordinance. States that enforcement concerns should not delay a vote, noting that aggressive behavior at the beach is already a significant problem. Thanks the board and expresses hope that the ordinance will be approved.

5. Governmental Updates:

Dave Murphy 6963 East Shore Road (Parks Committee): notes that three committee terms are ending this month. Torey Caviston, a newer member, has agreed to continue, while Pete Dahl and Mary Beth Milliken are stepping down after about six years of service. Thanks both for their many contributions: Pete for extensive trail maintenance, including tree removal across 650 acres of state parkland and work with the lighthouse, and Mary Beth for her involvement in projects such as upgrades at Archie Park and efforts to restore local history. Two

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applicants, Erin Gartland and Liz Bruning, have applied for the open positions. After reviewing their applications and speaking with them, strongly recommends their approval. Thanks township leaders for recent discussions on parks finances and planning, highlighting the importance of maintaining a long-term vision despite current fiscal challenges.

Christine Murphy, 12774 Peninsula Drive (Parks Committee): provides an update on Old Mission State Park, emphasizing efforts to preserve its natural beauty. Thanks those who participated in the June 24 walk, which included representatives from the DNR, the Grand Traverse Regional Land Conservancy, and township officials, noting that work has begun on a management plan with DNR support. Among the recommendations is relocating and regularly closing the fire road gate at the back of the park while ensuring fire department access to help deter illegal fires and camping. Thanks volunteers for tree-clearing work, particularly Rich Hager, and announces plans to host a chainsaw safety training course this fall for interested volunteers.

6. Approve Agenda

Motion to approve the agenda as amended (to amend Consent Agenda Item 8J and to move Correspondence Item O4 to Business Item 9J and Consent Agenda Item 8G to Business Item 9K) by Wunsch, seconded by Sanger (changes appear in red below)

Roll Call Vote: Alexander: Aye, Chown: Aye, Clark: Aye, Milliken: Aye, Sanders: Aye, Sanger: Aye, Wunsch: Aye

Motion Passes Unanimously

7. Conflict of Interest: none

8. Consent Agenda

a. Invoices

b. Reports

1. Fire Department

2. Treasurer's Office

3. Grand Traverse Sheriff's Citation, Accident, and Arrest Statistics

c. Excerpt from the Michigan Penal Code (MCL – Section 750.170) regarding Disturbance of Lawful Meetings

d. Article titled "Michigan Has Never Had More Wineries. That's a Problem as Demand Shrinks"

e. Minutes from the July 10, 2025 Township Board Special Meeting, July 14, 2025 Township Board Special Meeting, and July 22 Township Board Regular Meeting

f. Request to hold OMPHS Organizational Meeting on the Grounds of the Hessler Log Cabin

g. Permit Renewal Request for 2026 Bayshore Marathon – **moved to business item 9K**

h. Knights of Columbus at St. Joseph Catholic Church Request

i. Request to Hold Commercial Fireworks Display at Bonobo Winery to Benefit Blast Events, Traverse City Tourism, and the International Fireworks Championship – Denied

j. Reappointment of Torey Caviston to the Parks Committee, Armen Shanafelt and Susie Shipman to the Planning Commission, John Dolton to the Zoning Board of Appeals, **and to appoint Ashley Wahl as an alternate to the Zoning Board of Appeals**

k. Appointment of Scott Visger to Zoning Board of Appeals (Sanders)

l. Update/correspondence from EGLE and USACE regarding Peninsula Township's Joint Permit Application to Construct a Motorized Single-Lane Boat Launch and Non-motorized Boat Launch at Kelley Park

m. USACE After-the-Fact (ATF) Modification to the Hidden Ridge Dock Structure

n. Opportunity to Join Revamped M-37 Pure Michigan Byway/Old Mission Scenic Heritage Route Committee

o. Correspondence

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- 1) Antony Wright
- 2) Scott Phillips
- 3) Dan Succarde
- 4) Karina Brez – moved to Business Item 9J
- 5) David Spinweber and Dave Sanger

9. Business:

- A. **Appointment of** Candidates for Parks Committee Openings with Action Expected (Sanders)

Motion to appoint Liz Bruning and Erin Gartland to the Peninsula Township Parks Committee made by Chown, seconded by Alexander. **Motion Passes**

- B. Public Hearing on Proposed Ordinance #60, Parking Ordinance

Sanger: explains that proposed Ordinance #60 stems from safety concerns identified several years ago with a business on Seven Hills Road, where roadside parking and pedestrian crossings create dangerous conditions, particularly at night. Notes that the ordinance, modeled after those used in other Michigan communities and reviewed by legal counsel, would classify violations as civil infractions. Enforcement would fall primarily to law enforcement—Grand Traverse County Sheriff’s deputies, Michigan State Police, and Michigan DNR officers—but would also include the township’s ordinance enforcement officer and another designated employee.

Emphasizes that citations can be issued after the fact, making administrative enforcement a necessary complement to police involvement. Notes that the ordinance has been properly published for a public hearing.

Sanders opens the public hearing portion of Business Item 9B.

Louis Santucci, 12602 Center Road: is shocked that Sanger would present the parking ordinance, noting that he failed to mention that it explicitly names the supervisor as someone authorized to issue tickets. Argues that singling out Seven Hills as a parking enforcement area could raise constitutional concerns by targeting one commercial operation. Reiterates concerns about conflicts of interest, stressing that even if Sanger does not believe a conflict exists, the appearance of one is enough to undermine public trust, since he would both vote on and potentially enforce the ordinance. Criticizes the board for voting “in lockstep” and warns that tickets issued under such circumstances could be dismissed in court. States that the process does not make sense and leaves residents feeling unheard.

Michael Mulcahy, 7202 Peninsula Drive: criticizes the proposed parking ordinance. Agrees with the prior speaker’s concerns, particularly about the \$500 fine for a second offense, which he describes as excessive and unfair. Argues that such a penalty is negligible for wealthy individuals but a crushing burden for those with fewer resources. Suggests assessing a penalty would impact everyone equally.

Herbert Clewis, 6217 Red Fox Run: questions the fines proposed in the parking ordinance, asking how the amounts of \$150 for a first offense and \$500 for a second offense were determined. Argues the figures are arbitrary and not in line with standards elsewhere in the state. Raises concerns about visitors, including tourists and family members, who might unknowingly violate the ordinance if signs are obscured or unclear, resulting in steep fines. Suggests the amounts are excessive and could discourage people from coming to the peninsula.

Hearing no more public comment, Sanders closes the public hearing portion of Business Item 9B.

Board discussion: trustees discuss the origins of the ordinance, noting it was driven primarily by safety issues on Seven Hills Road, where roadside parking creates hazards for both pedestrians and drivers. There is agreement that enforcement authority needs to rest with the township, since businesses lack jurisdiction. Board members question the inclusion of Devil’s Dive Road in the draft and express interest in limiting restrictions on Seven Hills to only the most hazardous side of the road. Some also propose adding Bay Street due to ongoing parking problems near Haserot Beach. Members emphasize that the ordinance should remain flexible, allowing additional roads to be added in the future if needed, and discuss the fine structure—\$150 for a first offense and \$500 for repeat violations—and debate whether those amounts are appropriate, with suggestions to benchmark penalties against other Michigan communities and consider alternatives such as towing. Some members note

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that the higher fines reflect the seriousness of safety risks and defend them as a deterrent. Discussion also covers road-end parking, particularly on Old Mission and Swaney Roads. Trustees stress the importance of balancing shoreline access with protecting nearby residents and ensuring safe conditions. Members agree more site visits, measurements, and neighbor input are needed before finalizing restrictions at those locations with Chown noting that the road ends discussion will not come back before the board until the October meeting.

C. Introduction of Noise Ordinance #61

Sanger: introduces a draft update to the township's outdated and largely unenforceable noise ordinance, explaining that the current version relies on subjective judgment and lacks measurable standards. The proposed ordinance incorporates both subjective criteria and objective decibel limits, modeled after Traverse City's ordinance and others across Michigan, to provide law enforcement with clearer tools for enforcement. Board members discuss several aspects of the draft. They raise concerns about the proposed decibel levels possibly being set too low, especially for commercial areas, and about the time restrictions conflicting with businesses permitted to operate outdoors until 11:00 p.m. Members request clearer language in sections addressing amplified sound and enforcement, along with more detail on how violations would be measured and processed. Some provisions are flagged as ambiguous and in need of revision for clarity. The board agrees that the ordinance requires refinement and tables the draft to the September 9 meeting, with requested changes and clarifications to be incorporated before further consideration.

Motion to table further discussion to the next regular meeting of the township board on September 9, 2025, made by Wunsch and seconded by Alexander. **Motion Passes**

D. Seven Hills SUP

Loud: reports back on the board's June 9 directive to review the Seven Hills special use permit for potential violations. Two commissioners met with Loud and the Seven Hills ownership team to evaluate compliance and develop recommendations. These proposed amendments were also reviewed with designated township board members before being summarized in the packet. The planning commission recommends amending the permit as the best path toward full and lasting compliance. While no formal action has yet been taken, the applicant intends to apply for a permit amendment that would require public hearings before both the planning commission and township board. The update is provided now so that board members can offer feedback before the process formally begins.

Discussion: board members express concern that proposed changes to the Seven Hills special use permit, if approved, could worsen existing problems unless paired with a stronger noise ordinance. Several trustees stress that the township lacks staff capacity to enforce late-night outdoor activity and suggest requiring events to move indoors after a set hour, similar to conditions at other venues. While the updated noise ordinance would provide clearer standards, members note that sound enforcement remains challenging due to topography and limited resources. Trustees emphasize the need for clear limits on hours and use to balance flexibility for businesses with protections for neighbors. Staff confirm that five official complaints have been recorded since 2022, though other recurring complaints may not have been formally filed.

E. Shoreline Committee Recommendations from the Peninsula Township Planning Commission

Loud: provides an update on draft shoreline ordinance revisions, focusing on docks, hoists, and shared waterfront uses.

Discussion: board members discuss whether shared waterfront associations should be required to obtain U.S. Army Corps of Engineers permits before applying for township land use permits. Some trustees favor adding that requirement for safety and consistency, while others caution it would place too great a burden on township staff and suggest pressing state and federal agencies to enforce existing rules instead. The board also discusses concerns about dock lighting, noting conflicts between night sky regulations and the visibility needs of boaters. Members suggest limiting excessive dock lighting and request that the planning commission refine recommendations further.

F. Update on PDR Violations

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Shipman: updates the board on deed compliance issues related to conservation easements, noting that some property transfer deeds fail to list easements as required. As of August 6, after preparing corrective affidavits for affected landowners, three of nine have been filed, with additional progress following her outreach. She will continue to follow up during fall monitoring and suggests reaching out to title companies to improve awareness.

Discussion: the board thanks Susie for her persistence, agrees on the importance of continued outreach, and directs her to proceed with landowner follow up, to work with staff to contact title companies and the board of realtors, to provide another compliance update after fall monitoring, and to ensure reminders are included in township newsletters. Also suggest considering a contract adjustment if she continues this additional responsibility.

G. Proposed Violations Bureau Schedule of Fees with Action Possible

H. Quarterly Budget Update

Milliken: reports briefly on first-quarter financials, noting that only three months of data are available and most township revenues come in later in the year, making early figures less meaningful. Outlines four broad areas for upcoming expenses: lighthouse repairs (roof, floors, parking), potential expansion at Pelizzari [Natural Area] and state parklands, township facility needs such as storage and space, and the fire station project (currently on hold). Anticipates providing a fuller financial picture in late fall, once six months of data are available.

Acknowledges the work of the finance ad hoc committee, with particular appreciation expressed for members Tom Barnhart and Fred Swaffer, whose expertise has been valuable in financial planning discussions.

I. FY 2025/2026 Budget and Spending, Supervisor's July 30 Memo, and Continued Discussion on Potentially Selling Township Assets to Pay Winery Lawsuit Judgment

Sanders: reviewed fiscal year 2025-'26 budget concerns, stressing that while the township must continue core duties (assessing property, collecting taxes, running elections), a looming \$50 million winery lawsuit judgment threatens financial stability. By law, any judgment would be placed on the tax roll as a special assessment—either as a lump sum or potentially bonded over 15 years—placing heavy burdens on residents and limiting funds for services such as sheriff coverage, parks, cemeteries, and fire stations. Said the board is exploring options to offset costs, including property appraisals (for insurance accuracy and potential mortgage leverage), reviewing discretionary spending, and considering difficult measures like office closure to save overhead. Emphasized the goal of protecting residents from being forced to sell their homes while acknowledging that conversations with wineries have stalled on legal advice from their counsel. Even a reduced judgment would still impose major tax burdens, making fiscal responsibility and contingency planning urgent.

Chown: strongly opposes the supervisor's budget memo suggestions, calling them premature and harmful. Argues that austerity measures—such as reducing the number of parks, neglecting cemeteries, or selling preserved land—would worsen quality of life and betray community commitments. Stresses confidence in the township's legal defense and insurance-backed appeal and urges patience, maintaining services, and preserving township values rather than rushing into cuts. If austerity is required, suggests it should begin with less essential items (e.g., eliminating the township newsletter). For now, argues that the focus should remain on defending the appeal and continuing normal operations.

Other Discussion: members acknowledge the importance of planning for worst-case financial outcomes but emphasize that the township has a balanced budget in place for the current fiscal year. Hiring for a planned staff position is on hold until the lawsuit picture is clearer, with the supervisor covering duties in the meantime. Several trustees express confidence in the township's legal counsel and the appeal. They urge patience rather than drastic cuts such as office closures or service reductions, stress that the community should not blame the current board for the lawsuit, which predates their service, and note that both sides must compromise. Board members highlight the need to continue critical functions like planning, zoning, and assessing while also celebrating ongoing positive projects such as park improvements, trail development, shoreline work, agricultural support, the work of the non-motorized committee, and the upcoming community survey as reminders that the township remains active and resilient despite the lawsuit that overshadows other progress.

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J. Correspondence

Karina Brez-Emmer, Council Oak Drive: again describes safety concerns on Center Road near Council Oak Drive, where limited visibility, high speeds, and a lack of crosswalks create dangerous conditions for residents. Recaps a personal experience where she narrowly prevented her daughter from running into traffic, highlighting the urgency of the issue. Notes that an MDOT speed study in 2022 showed an average of 56 mph, which is too fast for a now residential stretch of road. Urges the township to formally request a new MDOT speed study—something residents alone cannot do—and recommends aiming for a 45 mph limit. Advocates for installing a crosswalk, explaining that MDOT would allow it if ADA-compliant sidewalk ramps were added, which she researched locally. Emphasizing support from her neighbors, stresses that safer crossings and slower speeds could prevent accidents and save lives.

Discussion: board members confirm the neighborhood's location and note that speeding issues extend to multiple areas of the peninsula. Discuss whether speed studies are most effective during peak summer months and clarify that MDOT and the state police, in coordination with the road commission, determine speed limits based on study data. Suggest additional traffic-calming measures, such as narrowing lane striping to naturally reduce driver speeds. Agree that a community input session with MDOT, state police, the road commission, and the sheriff's office would be valuable to address broader safety concerns township wide. Conclude that the township should both request a formal MDOT speed study and simultaneously arrange a public meeting, with a letter to be drafted covering both actions.

K. Permit Renewal Request for 2026 Bayshore Marathon

Discussion: board members debate whether the Bayshore Marathon's permit renewal, included on the consent calendar, is appropriate under Section 211 of the large events ordinance. While the ordinance allows applicants to request renewals for up to two years without a new hearing, trustees raise concerns about bypassing public input, staff review, and the \$1,000 permit process that covers significant administrative work. The importance of annual hearings to address changing conditions (e.g., road construction, event impacts) and ensure community feedback are noted. Concern is raised about approving events years in advance while the township maintains a cap of three large events per year. Consensus emerges that the issue should be directed to the ordinance rewrite group to clarify or amend Section 211 and to require future renewals to go through the full application and public review process.

Wunsch moves to return to Business Item 9B to correct a procedural error with a second by Sanders.

Motion Passes

Motion to table Ordinance No. 60 to the September 9 meeting, with revisions to remove Devil's Dive and road-end items, add Bay Street, and review fine levels with discussion of Old Mission and Swaney Road parking postponed to the first October meeting for more detailed consideration made by Wunsch, seconded by Sanders.

Motion Passes

10. Citizen Comments

Michael Mulcahy, 7202 Peninsula Drive: urges the board to take a more strategic and urgent approach to resolving the winery lawsuit. Stresses the need to ensure the township has strong legal counsel "with teeth," to clearly understand the wineries' negotiating position, and to adopt an apologetic, problem-solving frame of mind rather than a combative one. Recommends working with community members like Pat Heintz, making a settlement offer proactively (suggesting four to five million as a realistic starting point), and moving quickly before wineries attempt to collect the \$50 million judgment. Emphasizes that while the board did not cause the problem, it must act urgently and pragmatically to solve it.

Lindsay McLaughlin, Traverse City Track Club: explains that the request for a 2026 Bayshore Marathon renewal was made in good faith under the ordinance provisions. Notes the earlier-than-usual timing is necessary because registration for such a large race opens in December, and uncertainty about the permit status complicates planning for the nonprofit and partner organizations. Emphasizes that the club has followed all usual safety and

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debrief protocols, had a smooth 2025 race, and is not seeking to avoid fees or bypass procedures, only to align timelines for effective planning.

Kathleen Hauelsen, 6332 Hawks View: reiterates her strong opposition to Supervisor Sanders' proposal to shut down township offices and reduce services, calling it drastic, reckless, and harmful to residents. Criticizes board members for failing to uphold past campaign promises related to the winery lawsuit, pointing to broken commitments and hypocrisy. Raises concerns about a conflict of interest involving County Commissioner T.J. Andrews' dual role with Protect the Peninsula. Urges the board to pursue professional mediation immediately to resolve the lawsuit and protect residents from financial harm.

Mary Croft, 10925 Peninsula Drive: expresses support for the township continuing to fight the winery lawsuit in court, stressing that pursuing appeals is the right course of action. Endorses the idea of obtaining appraisals for township assets, such as the firehouse, as prudent due diligence in case funds are needed to offset potential judgments. Criticizes the wineries for seeking zoning changes after purchasing property and states that she personally boycotts them in protest. While acknowledging that a special assessment could be costly for residents, she argues it would be worth it to prevent the wineries from prevailing.

Tom Barnhart, 10895 Peninsula Drive: raises strong concern about proposed shoreline ordinance changes, particularly expanding from one to three hoists per 50 feet of frontage. Argues there is no factual basis or environmental justification for such a change, noting that prior surveys showed most residents support keeping the one-hoist rule. Criticizes the planning commission for focusing on the narrow interests of a few HOAs while ignoring broader environmental, scenic, and community impacts. Urges the commission and board to provide clear factual support before making any changes that contradict expressed public preference.

Brad Niergarth, 8718 Peninsula Drive: warns that the ongoing winery lawsuit judgment could trigger state intervention and possibly an appointed financial manager, similar to Detroit's bankruptcy. Cautions that legal fees and interest are mounting daily and urges the township to pursue mediation rather than relying on appeals, noting prior settlement opportunities may have been missed. Contests the board's financial framing, asserting that the township's revenues are closer to \$1.8 million (including state revenue sharing and fees) rather than just \$600,000 in property taxes. Calls for humility, transparency, and a collaborative effort to reach a resolution with the wineries.

Fred Swaffer, 1045 Gray Road: urges the board not to include elected officials in parking ordinance enforcement, arguing they lack police training, badges, and clear insurance coverage and that enforcement should be left to professional law enforcement while the board focuses on governance. Criticizes the supervisor's recent memo as a premature "fear grenade" that heightens anxiety without firm information on insurance or settlement options. Advocates for mediation, noting the wineries currently "hold the cards" with a \$50 million judgment; believes insurers will likely fund and demand mediation and warns that rejecting a reasonable deal could lead to harsher outcomes and community backlash.

11. Board Comments:

Sanger: emphasizes that while residents continue urging mediation in the winery lawsuit, the board is legally constrained. Multiple mediation sessions have already taken place in federal court, and a gag order prevents disclosure of what was discussed. Warns that board members could face personal legal jeopardy if they attempt to initiate mediation outside official channels. Urges residents to understand the predicament, consider engaging directly with neighbors and wineries themselves, and support the board rather than criticize it, stressing that board members' hands are tied under current court orders.

Chown: clarifies that the township's insurance carrier—not the board—controls whether and when a settlement offer can be made in the winery lawsuit. The carrier has required the township to appeal, believing the judge's 75-page opinion is flawed, and is unlikely to approve any payout until the appeals process concludes. The board does not have millions in funds to offer independently. Stresses that the case was effectively lost when the township was sanctioned in 2021, creating prejudice in federal court, but emphasizes that strong legal

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arguments remain for appeal. Acknowledges residents' frustration and desire for mediation, but explains that the board's hands are tied. While recognizing past mistakes that led to the current situation, reaffirms hope in preserving agriculture, open space, and protection from commercial development, noting that true resolution requires both parties' willingness to compromise.

Wunsch: acknowledges public calls for mediation and settlement but reiterates that board members are legally prohibited from disclosing details of past or current negotiations. Urges residents to go beyond general appeals to "settle" or "fight" and instead share specific acceptable outcomes or positions. This input could help guide the board's thinking during negotiations, even if they cannot reveal what has already been discussed at the table. Asserts that all resident perspectives—whether for compromise or continued litigation—will be taken into account as the township works toward resolution.

Clark: raises a procedural concern that, currently, citizen comment on agenda items occurs *before* the board officially approves the agenda. This creates a situation where residents cannot comment on items added later by trustees before approval. Suggests reversing the order so the agenda is approved *first*, ensuring the public has the chance to comment on all items. Board acknowledges the issue, noting it has "always been done" the current way and that the suggestion is worth reviewing. Sanders will consult MTA (Michigan Townships Association) for guidance before making changes.

12. Adjournment

Motion by Clark to adjourn this special meeting of the township board, seconded by Alexander.

Motion Passes

Meeting adjourned at 10:32 p.m.

August 12th, 2025

Rebecca Chown
Peninsula Township Clerk
13235 Peninsula Road
Traverse City, MI 49686

Dear Peninsula Township Board,

We are writing with unanimous neighborhood support of the Township's Parking Ordinance #60.

Our neighborhood, Mission Acres, consists of 23 homes and is located on Whispering Trail north of Swaney. An enforceable parking ordinance with signage will alleviate parked cars blocking the fire department and road commission trucks access to maneuver their trucks. We also hope the ordinance and signage will discourage people from driving down to the water and along the beach or getting stuck, of which both are eroding the road end and damaging the beach habitat.

Thank you,

A handwritten signature in black ink, appearing to read "MB Straub", written in a cursive style.

Mike Straub
President, Mission Acres Association

August 12\ 2025

Rebecca Chown
Peninsula Township Clerk
13235 Peninsula Road
Traverse City, MI 49686

Dear Peninsula Township Board,

We are writing in support of the Township's Parking Ordinance #60. In particular, the section that would prohibit parking on both sides of Old Mission Road from the OHW elevation of Lake Michigan extending 900 feet to the east.

We are the owners of the property located on Whispering Trail just north of Old Mission Road. An enforceable parking ordinance with posted signage would alleviate Old Mission Road being blocked by parked cars and preventing fire department access. It will also discourage people from driving down to the water's edge and parking.

Thank you,

Robert and Penelope Rosi

Robert and Penelope Rosi



August 12, 2025

Rebecca Chown
Peninsula Township Clerk
13235 Peninsula Road
Traverse City, MI 49686

Dear Peninsula Township Board,

On behalf of the Illini Cottagers Association, I write in support of the Township's Parking Ordinance #60.

Our association, which comprises approximately 30 cottages and year-round residences, is located on Whispering Trail between Swaney Road to the north and Old Mission Road to the south. An enforceable parking ordinance with posted signage will alleviate parked cars blocking the fire department and provide road commission trucks access to maneuver their trucks. We also hope the ordinance and signage will discourage people from driving down to the water and along the beach or getting stuck, both of which are eroding the road end and destroying beach habitat.

Respectfully,



Andrew Buelow
Chairperson, Illini Cottagers Association

August 12th, 2025

Rebecca Chown
Peninsula Township Clerk
13235 Peninsula Road
Traverse City, MI 49686

Dear Peninsula Township Board,

On behalf of the property owners at 17943 Whispering Trail, we are writing in support of the Township's Parking Ordinance being discusseped on Tuesday the 12th of August.

Our property is located on the south side of the path at the terminus of Old Mission Road that is currently used by the public to access the beach and lake.

An enforceable parking ordinance with posted signage would alleviate Old Mission Road and our property from being blocked by parked cars and preventing fire department and road maintenance access. It will also discourage people from using the beach to sit for hours, leave trash, and light bonfires which is both a violation of our property and the law, and a hazard for all the adjacent properties.

Thank you,

Pine Warbler LLC

Exhibit 2

Fahey Schultz Burzych Rhodes

ATTORNEYS AT LAW
4151 OKEMOS ROAD
OKEMOS, MI 48864 USA

FSBRLAW.COM
TEL: 517.381.0100
FAX: 517.381.5051

November 21, 2025

Via Email and First-Class Mail

Oosterhouse Winery, LLC
C/O Joseph M. Infante
99 Monroe Avenue NW, Suite 1200
Grand Rapids, MI 49503
infante@millercanfield.com

Dear Mr. Infante:

Re: Violations of SUP # 118 occurring at 12011 Center Road, Traverse City, MI 49686.

Peninsula Township (the “Township”) has been notified that Oosterhouse Winery, LLC (“Bonobo Winery” or “Bonobo”) has advertised or hosted several events and activities that violate the Peninsula Township Noise Ordinance (“PTNO”), the Peninsula Township Zoning Ordinance (“PTZO”), and Bonobo’s special use permit (“SUP”) #118, as amended. **If voluntary compliance with Bonobo’s SUPs is not achieved within 30 days, the Planning Commission may initiate a review of SUP #118 and, after a public hearing, the Township Board may revoke SUP #118 and its amendment.**

According to the information received by the Township, the following activities have taken place or are planned to take place at the above property (the “Property”):

- A private event on Saturday September 20, 2025, which caused severe noise disturbances which neighbors described as disturbing, obnoxious, and egregious;
- A “Tuscan lunch” prepared by chef Mario Batali on August 23, 2025;
- A private event on Friday September 5, 2025;
- The rental of winery facilities for holiday parties;
- The rental of winery facilities for events which will include food prepared by a “full-service kitchen;” and
- The rental of winery facilities for rehearsal dinners and weddings for the 2026 wedding season.



Bonobo Winery is located within the A-I Agricultural district and is subject to the regulations of Section 6.7 of the PTZO. The above events are not permitted by any section of the zoning ordinance for the A-I Agricultural Zoning District, and we have no record that Bonobo was ever granted guest activity use approval via the Township.

Bonobo is subject to SUP #118, as amended, which includes conditions stipulating Bonobo must remain in compliance with the PTZO. Regarding conditions imposed by SUPs, the PTZO states that the “breach of any condition ... shall automatically invalidate the permit granted.” PTZO § 8.1.3(2). Further, the “Township Board has the authority to revoke any special use permit when, after reasonable warning, the operator of any use permitted under this Section fail[s] to comply with any of the requirements stipulated.” PTZO § 8.7.3. Pursuant to this authority, on September 23, 2025, consensus among the Township Board was to initiate an SUP review before the Peninsula Township Planning Commission of SUP #118 to determine compliance with its conditions and with the requirements imposed by the current PTZO.

This letter serves as the notice required under PTZO Section 8.7.3. **Within 30 days of its receipt of this letter, Bonobo must contact the Township and indicate whether it will voluntarily comply with SUP #118, as amended, and cease offering the above events.**

If voluntary compliance is not achieved within 30 days, the Planning Commission may proceed to schedule a public hearing on the alleged violations and make a recommendation to the Township Board on whether Bonobo’s SUPs should be revoked. Following this public hearing, and upon receipt of the Planning Commission’s recommendation, the Township Board may make a final determination.

An overview of Bonobo’s violations related to the review process is provided below, but not limited to such information to the extent the public hearing record develops additional aspects related to Bonobo’s compliance with its SUP and the PTZO.

I. BONOBO’S SEPTEMBER 20, 2025, EVENT VIOLATED THE PENINSULA TOWNSHIP NOISE ORDINANCE

On Saturday September 20, 2025, during an event hosted at Bonobo Winery, the Township received numerous complaints regarding loud and continuous noises emanating from the Property. Neighbors reported hearing amplified music starting around 6:30pm continuing until 9:00pm. The neighbors described the noise as “disturbing,” “obnoxious,” and “egregious.” The Township’s Code Enforcement Officer noted that the noises could be heard at least one mile away. After driving to the Property to investigate, the officer noticed a sign stating the winery was closed for a special event. The officer further observed the playing of loud music, amplified instruments, and amplified human voices.

The PTNO states, “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.” PTNO § 102. The Ordinance further describes a “noise disturbance” as the “playing of any ... sound reproduction device, or musical instrument in such a manner or at such volume as to be sufficiently audible to unreasonably annoy or disturb the quiet, comfort, or repose of any persons in the vicinity.” PTNO §103(A).

Several people spoke with the Township and detailed the disturbance caused by this event. Based on these facts, there is reasonable cause to believe that a violation of the PTNO occurred at Bonobo Winery on September 20, 2025. It is the understanding of the Township that this event constitutes the third noise violation occurring on the Property. Previous violations were observed on September 30, 2023, and September 13, 2024.

As described below in Section III of this letter, noise violations of this kind also constitute a violation of SUP #118 as amended.

II. BONOBO’S IDENTIFIED EVENTS DO NOT FALL WITHIN THE SCOPE OF ITS PRIOR NON-CONFORMING USE

On May 14, 2013, SUP #118 was issued authorizing the Property to be used as a Winery Chateau. Winery Chateaus were previously listed as a lawful use within the A-1 Agricultural district. On December 13, 2022, the Township passed Amendment 201 which removed Winery Chateau’s as an allowable use under the PTZO. Under PTZO Section 7.5.1, uses that were lawful prior to the adoption of the PTZO or its amendments may be continued as a non-conforming use. However, the above-listed events would not be lawful under the pre-Amendment 201 PTZO (the “Former PTZO” or “FPTZO”). As a result, such events would not qualify as a non-conforming use and are in violation of the PTZO.

Notably, SUP #118 did not authorize Bonobo to engage in renting Bonobo’s facilities for many of the events identified above that appear to include meals served from a full-service kitchen. PTZO § 7.5.1. Further, even if Bonobo was approved via special use permit for guest activity uses, which it is not, present events were only made available to Agricultural Related Groups (allowable under the Former PTZO as a Guest Activity Use and under SUP #118 by reference). The federal district court’s July 7, 2025 judgment declared all guest activity provisions of the Former PTZO unconstitutional. As a result, the law treats these provisions as if they never existed. *Stanton v. Lloyd Hammond Produce Farms*, 400 Mich. 135, 144-45; 253 N.W.2d 114 (1977) (“The general rule is that an unconstitutional statute, though having the form and name of law, is, in reality, no law but is wholly void and ineffective for any purpose since unconstitutionality dates from the time of its

enactment and not merely from the date of the decision so branding it, an unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed.”). Thus, Bonobo would not be able to rely on the guest activity use provisions of the Former PTZO as a justification of its present events (had it received this approval), nor is the Township relying on such provisions of the Former PTZO given the ruling of the Court.

Moreover, Bonobo’s events are also not allowable under the current PTZO. There is no term or provision authorizing such events to take place within the A-I Agricultural district. Michigan law is clear that, for zoning ordinances, the “absence of a specifically stated use must be regarded as excluding that use.” *Pittsfield v. Malcolm*, 375 Mich. 135, 142-43; 134 N.W.2d 166 (1965). Because facility rentals and full-service meals are absent from the listed uses in the A-I district or within the Former PTZO winery chateau provisions, those uses are excluded and are not presently allowable.

If Bonobo wishes to use its property in a manner that is not explicitly allowable in the A-I Agricultural district, it may request the Zoning Board of Appeals clarify whether the desired use is allowable. PTZO § 6.4.1. Bonobo may also request the PTZO be amended. PTZO § 9.1. At present, however, the rental of Bonobo’s facilities and the provision of full-service meals is not allowable within the A-I district. As noted below, violations of the Winery Chateau provisions of the Former PTZO are also considered violations of SUP #118, as amended. Accordingly, Bonobo must cease its engagement in these activities or risk revocation of SUP #118, as amended, or other similar action.

III. BONOBO’S EVENTS ALSO VIOLATE SUP #118, AS AMENDED

SUP #118 describes the limits of authorization for permissible uses and imposes specific conditions that place constraints on Bonobo’s allowable land use. The same is true for SUP #118’s amendment which was issued in 2014 to accommodate deviations from Bonobo’s approved site plan. SUP #118 explicitly stated that the Township Board’s approval was conditioned on Bonobo remaining in compliance with PTZO section 8.1.3 (basis for SUP determinations) and FPTZO Section 8.7.3(10) (site development requirements of Winery Chateaus). SUP #118, p 15, ¶ 1-2. Similar conditions are listed in SUP #118’s amendment. 1st Amendment, p 14, ¶ c. Thus, Bonobo must remain in compliance with these PTZO and Former PTZO provisions to maintain compliance with their SUPs.

Regarding noise, the Former PTZO required Winery Chateaus to “not create undue ... noise, or other conflict with the surrounding properties. FPTZO § 8.7.3(10)(a). Outdoor activities were required to “be conducted at such hours and in such manner as to not be disruptive to neighboring properties.” FPTZO § 8.7.3(10)(r). As noted above, Bonobo’s September 20, 2025, outdoor event caused undue noise in such a manner as to disrupt neighboring properties. This was the third violation of this kind in as many years. Each of these noise violations violated Sections 8.7.3(10)(a) and 8.7.3(10)(r) and accordingly, also violated SUP #118, as amended.

Regarding events and the service of food, it appears Bonobo was not authorized to conduct service under its approvals.

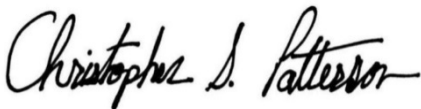
IV. LOOKING FORWARD & OPTIONS FOR COMPLIANCE

The events and activities that have taken place or are planned to take place at Bonobo Winery violate the PTZO, SUP #118 as amended, and, on one occasion, also violated the PTNO. It is the intention of the Township to resolve these violations by encouraging Bonobo Winery's voluntary compliance with the PTZO, PTNO, and the conditions of SUP #118 as amended.

Accordingly, we respectfully request that Bonobo contact the Township within 30 days of receiving this letter and inform the Township that it will comply with its permits and the Township ordinances. Failure to do so may result in the Planning Commission initiating an SUP review and, after a public hearing, the Township Board would make a determination as to an appropriate action related to the record developed before the Planning Commission.

If you have any questions or would like further information or discussion about reaching compliance, please contact the undersigned using the contact information below.

Sincerely,



**CHRISTOPHER S. PATTERSON
MEMBER**

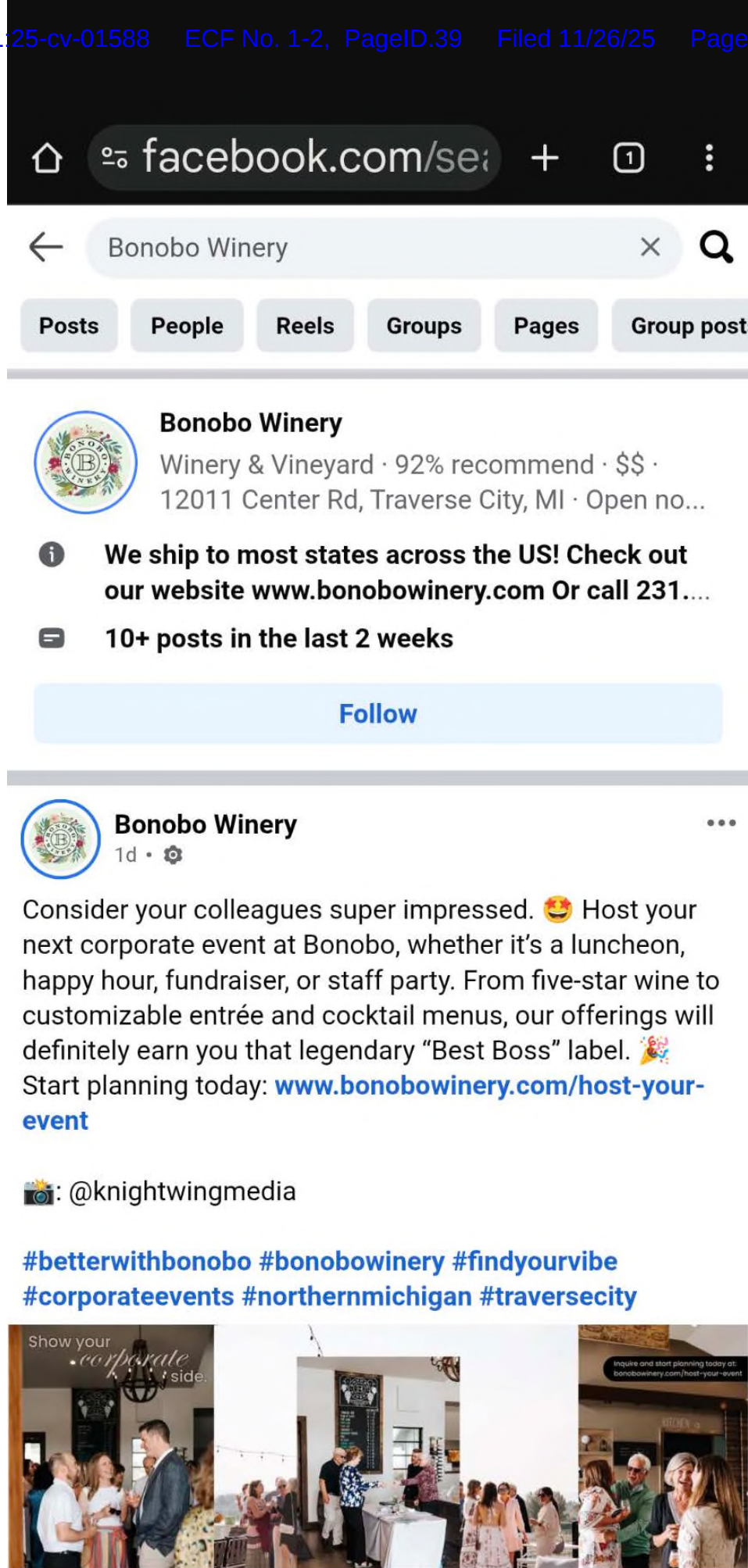
Direct: 517.381.3205

cpatterson@fsbirlaw.com

Attachments:

Social Media Posts Advertising events

ATTACHMENT 1



bonobowinery • Follow

bonobowinery FYI: We will be closed this Saturday, Sept. 20, for a private estate event. Visit us on Friday from noon to 9 p.m. or Sunday from noon to 6 p.m. for all your favorite Bonobo vibes. 🍷

Planning a celebration of your own? Host at Bonobo! From party planning to day-of execution, we'll make sure your next event is one for the books. Inquire today at the link in our bio! 📞

#betterwithbonobo #bonobowinery #findyourvibe
#northernmichiganwinery #events

Edited • 3w



9 likes
September 15

We will be
CLOSED

this Saturday, 9/20,
for a private event.





bonobowinery and traversecityfoodandwine

Original audio



bonobowinery Currently still dreaming about August's [@traversecityfoodandwine...](#) 🍷 We loved hosting this extra special and delicious Tuscan lunch, complete with gorgeous florals by [@hoopers_1992](#) and Italian-inspired place settings from local rental pros [@tctentedevents](#). And of course, we could never forget about the incredible cuisine, thoughtfully curated by our expert chefs [@marrobatali](#), [@cookshouse](#), and [@le_nez_du_vin](#). It's amazing what's possible when the best of the best come together. 🌟

Interested in hosting your own unforgettable gathering at Bonobo? Inquire with us at the link in our bio.

[#betterwithbonobo](#) [#bonobowinery](#) [#findyourvibe](#)
[#nothermichiganwinery](#) [#events](#)

3w



25 likes

September 12



Add a comment...

Post

bonobowinery • Follow

bonobowinery Just a little heads up for you as you plan your weekend! We'll be closing at 3 p.m. this Friday, Sept. 5, for a private estate event. Be sure to stop in and see us beforehand!

Edited · 4w



3 likes
September 3

😊 Add a comment...

Post



We will be
closing at 3 p.m.
this **Friday, 9/5**, for a
private event.



bonobowinery and traversecityfoodandwine
Bonobo Winery



bonobowinery On Sunday, we had the absolute pleasure of hosting a beautiful Tuscan lunch, complete with authentic straight-from-Italy cuisine and Bonobo wine. It wouldn't have been possible without our insanely talented chefs in the kitchen: @mariobatali, @cookshouse, and @le_nez_du_vin. Thank you for making it an afternoon to remember. We're still a bit speechless, to be honest. 🥰

Extending extra kudos to:

@traversecitytourism and @traversecityfoodandwine
Our chefs: Mario Batali, Jen Blakeslee, and Thad Morrow
Assistant to the chefs: @finstherthedude
Florals: @hoopers_1992
Rentals: @tctentedevents
Styling & design: @jillebn1
Venue and staff: Thank you to our Bonobo team for your extra hours this past week. We're so lucky to have you. 🥰

Edited · 5w



love2cook66 We were there and I have to say this luncheon was extremely well done. The food and wine delicious... the people delightful and meeting the chefs and Carter and Amy made it so memorable. Would love to do it again! Cheers to Bonobo Winery! Always a pleasure to visit! 🥰

5w 5 likes Reply

— View replies (1)



ogfivestar Beautiful winery with wonderful hosts and the best chefs! Looking forward to next year!

5w 3 likes Reply

— View replies (1)

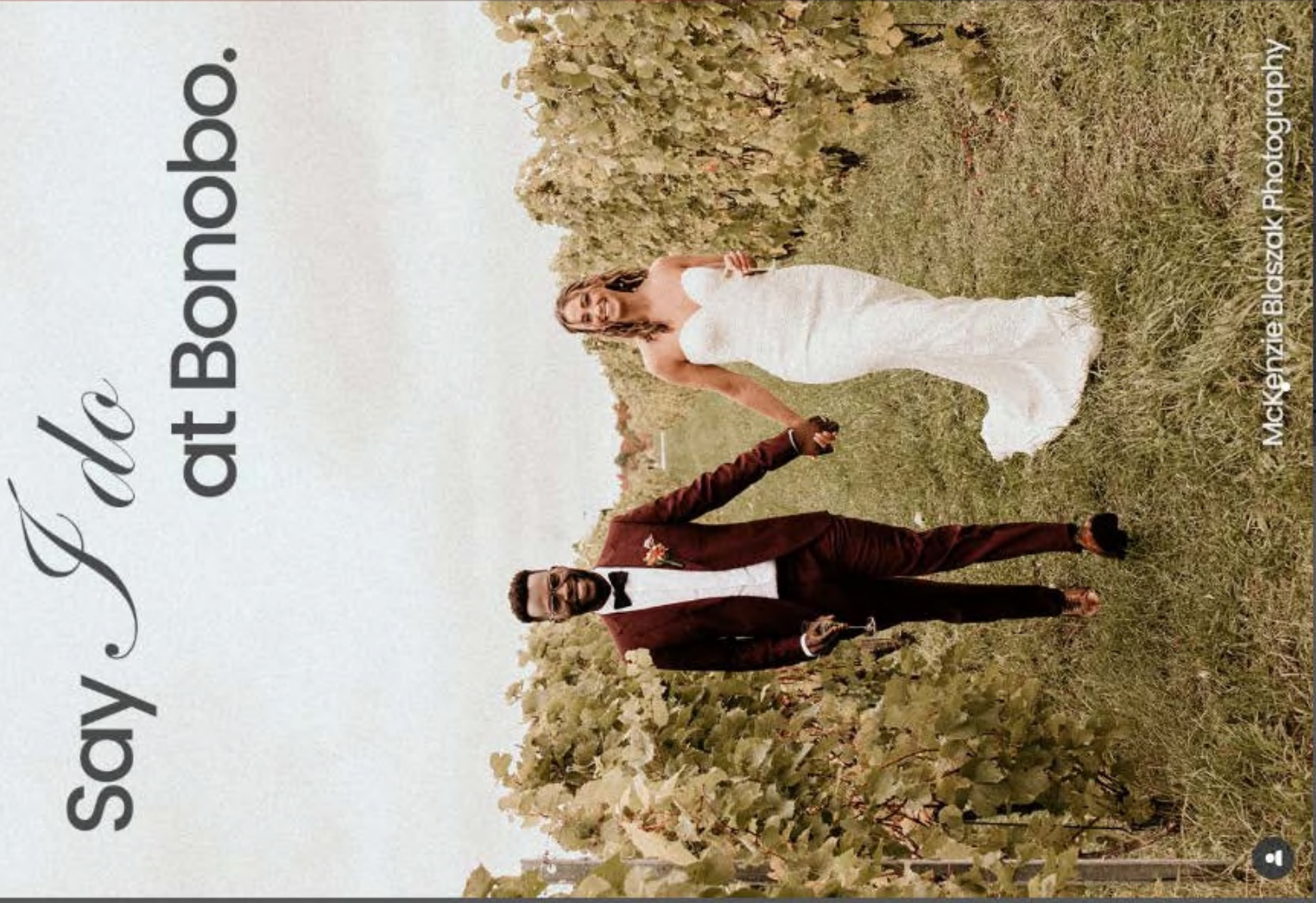


349 likes
August 29



Add a comment...

Post



Say *I do*
at Bonobo.

McKenzie Blaszk Photography



bonobowinery • Follow

...



bonobowinery Toast to love at Bonobo Winery! From night-before rehearsal dinners to day-of nuptials, our winery is the perfect place to celebrate forever. 🍷 Now booking for the 2026 season — visit the link in our bio to save your date. 🍷

#betterwithbonobo #findyourvibe #bonobowinery
#northernmichiganwinery #michiganweddings

8w



stephvanwink Still remembering Hillary and Quinns's Welcome Drinks! What a fun wedding that was... ❤️❤️

8w 1 like Reply

— View replies (1)



67 likes
August 8



Add a comment...

Post

Catered



by Bonobo.



bonobowinery • Follow



bonobowinery Book your event with Bonobo and explore all the delicious offerings our full-service kitchen can provide. 🍷 From five-star plated meals to unforgettable family-style spreads, our chef-curated event menu makes Bonobo a one-stop shop for your next occasion. 🍷 Trust us when we say: You and your guests will love this.

Inquire and start planning today at the link in our bio.

#betterwithbonobo #bonobowinery #findyourvibe
#northernmichiganwinery #events

10w



12 likes
July 25



Add a comment...

Post

Your occasion,
extra special.

@bonobowinery



bonobowinery • Follow
Bonobo Winery



bonobowinery Planning a rehearsal dinner? A corporate cocktail hour? A milestone birthday or anniversary? From intimate gatherings to entire estate celebrations, your occasion will always feel extra special at Bonobo. 🥂

Inquire about your event at the link in our bio. 🍷 We can't wait to be your host! 🍷

#betterwithbonobo #bonobowinery #northernmichiganwinery #oldmissionpeninsula #traversecity

12w



16 likes
July 12



Add a comment...

Post

Exhibit 3

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:

Margul, 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

I certify that this is a true copy of Ordinance No. 40 ^{Amendment #1} 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

Exhibit 4

Peninsula Township
Township Board Regular Meeting
Shaina LaFond, Recording Secretary

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

September 9, 2025, 7:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Sanders at 7:00 p.m.

2. **Pledge**

3. **Roll Call**

Present: Sanders, Clark, Milliken, Alexander, Wunsch, Sanger

Excused: Chown

4. **Governmental Updates**

A. Pre-annual PDR Monitoring Letter from Susie Shipman to All PDR Owners: to be mailed after the meeting with monitoring beginning September 29. Questions may be directed to staff.

B. Deputy France, CPO: report notes four electronic citations issued, three personal injury accidents, four regular accidents mostly on Center Road attributed to hurried driving and following too closely, and two arrests. No other new items reported.

5. **Conflict of Interest: none**

6. **Consent Agenda**

A. Invoices

B. Reports

1. Fire Department

2. Treasurer's Office

3. Grand Traverse Sheriff's Office Citation, Accident, and Arrest Statistics

4. Peninsula Community Library

C. Minutes from August 12, 2025, Township Board Special and Regular Meeting Minutes

D. EGLE Notice of Authorization to Dredge the DNR's East Arm Boating Access Site on M-37

E. Correspondence

1. Brian Tuck

2. Marc Santucci

3. Linda Brick/Patrick and Leslee Heintz

4. Herbert Wayne Clewis

5. Beckett & Raeder Response to Public Notice Comments from EGLE for the Proposed Boat Launches at Kelley Park

Motion to approve the consent agenda as written made by Wunsch and seconded by Sanger.

Roll Call Vote: yes – Milliken, Alexander, Clark, Wunsch, Sanger, Sanders

Passed unan

Peninsula Township
Township Board Regular Meeting
Shaina LaFond, Recording Secretary

7. Approve Agenda

Motion to approve the agenda made by Sanger and seconded by Alexander. Motion passed by consensus

8. Brief Citizen Comments (for agenda items only)

Troy Daily, 16169 Hill Rise Road: expressed support for Sanger's proposed parking ordinance on Seven Hills Road, citing safety concerns near the community center entrance. Noted support for extending the no parking zone slightly beyond the entrance but stated the proposed northern boundary in the packet extends too far. Thanked the board for addressing the issue and urged adoption.

Louis Santucci, 12602 Center Road: reiterated his belief that Sanger has a financial conflict of interest and should recuse himself and suggested Sanders also step back from an enforcement role. On the noise ordinance, stated the draft is too complicated and contradictory and recommends a simpler model based on Cooperstown, New York, with clear decibel limits by district and time of day and simple exceptions, including for continuous animal noise. Provided a copy of the ordinance for board review and urged tabling the item for further study.

9. Business:

1. Discussion of Parking Ordinance No. 60 with Action Possible (Sanger)

Sanger: summarized revisions, including removal of Devil's Dive and Center Road references, elimination of parking on the west side of Seven Hills, and addition of language allowing the board to add or delete prohibited parking areas by resolution rather than ordinance amendment.

Board discussion focused on the northern boundary of the no parking zone. Maps show current proposal extending 635 feet north to 13956; board members supported shortening the restriction to 300 feet, ending at the property line near 13786.

Deputy France confirmed safety is adequate at that point. Concern was raised about visibility for vehicles exiting the business on the west side of Seven Hills. Deputy France recommended prohibiting parking 60 feet north and south of the driveway entrance. Board agreed to include this language. Additional discussion was held on signage issues near Haserot Beach. Members noted poor signage and safety concerns for pedestrians crossing from overflow parking. Staff to coordinate with road commission on repainting and signage improvements.

Consensus reached on ordinance language: prohibit parking on the east side of Seven Hills from Devil's Dive to 13786 and on the west side 60 feet north and south of the business entrance.

Motion to adopt Parking Ordinance No. 60 as amended made by Alexander, seconded by Wunsch.

Roll Call Vote: yes – Milliken, Alexander, Clark, Wunsch, Sanger, Sanders

Passed unan

2. Discussion of Proposed Noise Ordinance No. 61 (Sanger)

Sanger: reviewed history, noting current ordinance from 2010 is vague and unenforceable. Draft ordinance prepared by legal counsel draws on examples from other communities, shifting focus from "impairing health or welfare" to "annoying or disturbing a reasonable person of normal sensitivity." Draft also incorporates decibel limits, time restrictions, and prima facie violations such as barking dogs and construction noise.

Board raised concerns regarding decibel levels in commercial areas, impacts on agricultural zones, and clarity of enforcement procedures. Discussion included use of sound meters, measurement standards, calibration, and training for enforcement officers. Members emphasized need for clear, consistent procedures and noted limited local law enforcement coverage compared to larger communities. Board agreed further review is required. Legal counsel analysis will be distributed, and additional input from

Peninsula Township
Township Board Regular Meeting
Shaina LaFond, Recording Secretary

law enforcement will be sought. Matter tabled to October for further refinement, with possibility of scheduling a public hearing in November.

3. Overview of Bids Received for Materials (Bid One) and Construction 9Bid Two) of the Sustainable Boardwalk in the Hemlock Wing at Pelizzari Natural Area (Dave Murphy, Chair of the Parks Committee) with Action Expected at the September 23 Township Board Regular Meeting

Murphy: outlined project history, noting that fundraising led by Becky Chown met and surpassed the proposed \$409,000 budget. Engineering firm Gosling-Czubak, with lead engineer Dallas Wirtz, issued bid requests. Two bids for off-site boardwalk module construction are close in price; several installation bids vary more widely. Engineers will review details, ensure comparisons are consistent, and present recommendations at the September 23 board meeting. Project completion expected in spring 2026, with possible earlier manufacturing but likely no winter construction. Board noted that contract awards for both manufacturing and installation will be on the September 23 agenda.

4. Request for Budget Amendments with Action Expected (Clark)

Clark: reviewed request for budget amendments. Explained amendments, noting most are line adjustments or from fund balance, with one related to compactor station funding already appropriated in April. Board agreed items are straightforward.

Motion to approve budget amendments made by Wunsch, seconded by Milliken.

Roll Call Vote: yes – Milliken, Alexander, Clark, Wunsch, Sanger, Sanders

Passed unan

5. Discussion of Opening on Traverse Transportation Coordinating Initiative (TTCI) via Networks Northwest (Sanders)

Board discussed the township's vacant technical committee seat with TTCI, a body that allocates federal road funding for the Traverse City metropolitan area. Sanders noted Peninsula Township has limited influence, with most focus on east-west transit, but representation may be valuable for non-motorized planning and M-37 traffic impacts. Options included appointing the township engineer of record (e.g., Gourdie-Fraser) or a community member with interest in non-motorized issues. Concern was raised about paying consultants to fill the role. Suggestion to explore volunteers from local non-motorized groups. Sanders will consult Susie Shipman and Dave Murphy for candidate ideas. No action taken; item remains open for future consideration.

10. Citizen Comments:

Marty Lagina, 232 West McKinley Road: objected to his letter on the proposed noise ordinance not being listed under correspondence, stating it was hidden in the packet. Urged consistent treatment of all citizen letters. On the ordinance, advised board to eliminate use of "plainly audible" as a prima facie violation, explaining that on the DBA scale, "plainly audible" equals zero, which would make common sounds such as a baby crying or a lullaby through a window violations. Stated the standard is unworkable and would put everyone in violation. Noted his professional engineering background with wind farms and compressor stations and offered to provide further input.

11. Board Comments

Confirmation that citizen letters, such as Marty Lagina's, should be consistently listed under correspondence. Staff oversight due to the clerk's vacation may explain the omission.

Sanger reminded the board that in January, two main objectives were set for the year: zoning ordinance work and financial planning. Suggested using the September 23 meeting to benchmark progress, noting that the second monthly meeting was intended for planning and internal focus.

Peninsula Township
Township Board Regular Meeting
Shaina LaFond, Recording Secretary

Sanders recommended rebidding township professional services (engineer, legal, etc.) as a best practice, potentially adding other categories such as surveyor or appraiser. Suggested placing this on the January agenda.

Sanders offered two recent legal updates: *Family Orchards v. Peninsula Township*, the township's motion to dismiss was granted in full by Judge Paul Maloney, though the plaintiff may still appeal. Also, the Wineries of Old Mission Peninsula (WOMP) filed an appeal with the U.S. 6th Circuit Court of Appeals. Information has been posted on the township website under WOMP filings.

Alexander thanked members of the Survey Ad Hoc Committee (Dave Murphy, Shaina LaFond, Armen Shanafelt, John Jacobs, and Dennis Arouca) for their work. Highlighted that Arouca drafted a preamble that may be useful for residents as background before completing the survey.

Sanders thanked Alexander for leading the committee effort.

1. Adjournment

Motion to adjourn made by Alexander, seconded by Sanger.

Passed unan

Meeting adjourned at 8:08 p.m.

Peninsula Township
Township Board Regular Meeting
Shaina LaFond, Recording Secretary

Gmail

louis santucci <santucci.louis@gmail.com>

sound ordinance

1 message

louis santucci <santucci.louis@gmail.com>

Tue, Sep 9, 2025 at 6:43 PM

To: louis santucci <santucci.louis@gmail.com>

Except as otherwise expressly permitted in this section, it shall be prima facie evidence of a violation of this chapter if the sound level emanating from any sound device or apparatus is measured at a decibel level that exceeds 70 dB within residential districts or 80 dB within the business and commercial districts between 7:00 a.m. and 10:00 p.m. or 60 dB between 10:00 p.m. and 7:00 a.m. in any district from one or more of the following locations:

- (a) Upon a public sidewalk adjacent to the premises upon which the sound device or apparatus is being operated or used; and/or
- (b) Upon any property adjacent to the premises upon which the sound device or apparatus is being operated or used; and/or
- (c) At a distance of 30 feet or more from such sound device or apparatus when used or operated in a public park or other public place.

he following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.

- A. Noise from a dog or other animal or fowl that is continuous and exceeds 15 minutes.
- B. Noise from a burglar alarm system or other alarm system of any building, motor vehicle or boat that is continuous or repetitive and exceeds 15 minutes. This section shall not apply to audible alarm systems that are designed to detect heat or smoke or in instances where the alarm system is working as intended and an actual or attempted burglary has occurred.
- C. The sounding of any horn or signaling device of any motor vehicle, motorcycle, train, or boat, except when required by other statute, which is continuous or repetitive or is apparently being sounded or being used for the purpose of advertisement.
- D. The making of improper or unnecessary noise by operating a motor vehicle in such a manner as to cause the excessive squealing or other excessive noise of the tires.
- E. The operation of an audio device from any motor vehicle at sound levels which may be heard at a distance of 60 feet from the vehicle.

- F.** The operation of a motor vehicle that is not equipped with an adequate muffler and exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise, or the operation of a motor vehicle with a muffler or exhaust system modified in a manner that will amplify or increase the noise emitted by the motor or exhaust system of such vehicle above that emitted by the muffler or exhaust system originally installed on the vehicle.
- G.** The operation of an engine compression brake to slow or stop a motor vehicle in the Village.
- H.** The hawking, peddling, or sale of anything by shouting or outcry or by using horns, whistles, bells or any other instrument to attract attention for that purpose within any area of the Village.

§ 172-7 Exceptions.

The following sounds shall be exempt from the restrictions and prohibitions of this section and shall not be deemed a violation of this chapter:

- A.** Church bells: sounds created by bells or chimes emanating from religious institutions between the hours of 7:00 a.m. and 10:00 p.m.
- B.** Warning devices: sounds created by any government agency, or by the use of public agency warning devices.
- C.** Fireworks: the professional display of fireworks that has been approved by the Village Board of Trustees.
- D.** Sporting events and public entertainment: sounds emanating from sporting events of any public or private schools and/or any Village-authorized carnival, fair, exhibition, outdoor concert, parade, and/or athletic contest, conducted between 7:00 a.m. and 11:00 p.m.
- E.** Construction activities: sounds created by activities associated with site improvements and building construction, repair and maintenance between the hours of 7:00 a.m. and 10:00 p.m. Sounds created by construction activities between the hours of 10:00 p.m. and 7:00 a.m. shall be subject to the limitations of this section, except that in the event of an emergency, so declared by the Fire Department or Police Department, construction activities directly connected to the abatement of such emergency may be undertaken without regard to the prohibitions and limitations of this section for a period not to exceed 72 hours from the commencement of such construction activities, during which time application for a sound permit or sound level variance shall be made.
- F.** Residential property maintenance: sounds produced by the use of lawn mowers, hedge trimmers, leaf blowers, chain saws, tillers, mulchers, chippers, and other similar residential power tools and devices used in the care and

maintenance of lawns, yards, and vegetation between the hours of 7:00 a.m. and 10:00 p.m.

- G. Snow removal operations: sounds produced by snow blowers, snow throwers, and snowplows when used in their customary manner, provided that all equipment is equipped with exhaust mufflers recommended by the manufacturers thereof.
- H. Governmental operations: sounds produced by vehicles, equipment, and machines engaged in the conduct of governmental functions of any federal, state or local municipal entity.
- I. Federally preempted activities: sounds produced by activities which are beyond the jurisdiction of the Village to regulate based upon the federal interstate commerce clause.

§ 172-8