

Hartford Township, Van Buren County, Michigan  
Ordinance Number 32  
Hartford Township Amplified Noise Ordinance

An ordinance to secure the public health, safety and general welfare of the residents and property owners of the Township of Hartford, Van Buren County, Michigan, by the regulation of amplified noise within the township; to provide penalties for the violation of said regulations; to provide for the severability of the ordinance provisions; to provide an effective date of said ordinance; and to repeal all parts of Township ordinance in conflict herewith.

**Section 1. Title.** This Ordinance shall be known and cited as the “Hartford Township Amplified Noise Ordinance”.

**Section 2. Definitions.**

The following words as used in the within ordinance shall have the following definitions:

Agricultural; Agricultural Purpose is defined as of or pertaining to or connected with, or engaged in agriculture or tillage characterized by the act or business of cultivating or using land and soil for the production of crops, for the use of animals or humans and includes, but is not limited to purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Commercial refers to land or operations primarily being lawfully utilized for business or governmental purposes.

Industrial refers to land or operations primarily being lawfully used for manufacturing, warehousing or similar type uses.

Residential refers to land or uses primarily being utilized for one, two or multi-family dwelling purposes.

Noise Control Officer refers to any state, county or township ordinance-enforcing officer who is legally authorized to enforce ordinances of Hartford Township.

Sound-Amplifying Equipment refers to any machine or device for the amplification of human voice, music or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed. Sound-amplifying equipment, as used in this ordinance, shall not include warning devices of authorized emergency vehicles.

Plainly Audible means any sound that can be clearly heard or felt by unimpaired normal auditory or sensory senses regardless of whether the words or phrases are discernable.

**Section 3. Noise Regulations.**

A. General Regulations

No person, firm or corporation shall cause or maintain any unreasonably loud amplified noise in such manner as to disturb the peace, quiet, comfort or repose of occupants of the area.

B. More Detailed Violations

It shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or to permit the continuance of any sound using any sound-amplifying equipment or sound amplification that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, microphone, or any other electronic or other sound source which, when operated:

- (a) Disturbs the peace, quiet, comfort or repose of neighboring inhabitants; or
- (b) Which at any time involves a louder volume of noise than is necessary for the convenient hearing of persons who are on the property or premises or vehicle upon or within which the sound is generated and who are the intended voluntary listeners of such sound. Any such sound amplification in a manner causing such sound to be plainly audible beyond the property or premises upon which it is produced, or, in the case of a vehicle, plainly audible beyond a distance of 50 feet from the vehicle, or for a parked vehicle on private property beyond the boundary line of such property shall constitute an amplified sound violation of the within ordinance.

**Section 4. Exemptions.**

The amplified sound prohibitions contained in this ordinance shall not be applicable to warning devices of authorized emergency or public safety vehicles, or vehicles owned and operated by any governmental agency or public utility

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company involving necessary emergency operations or while engaged in authorized governmental or public safety activity.

Agricultural, commercial and industrial operations and churches, fairs and publically authorized festivals are exempt from the within ordinance amplified sound restrictions during their necessary, normal hours of operation.

**Section 5. Waivers.**

Upon written request to the Township Zoning Administrator for a temporary, short-period waiver of the within amplified noise prohibitions disclosing special short-period activities such as weddings or single-event celebrations, wherein the applicant has concern that the proposed amplified noise there from may violate the provision and limitation of the within ordinance, and where any violation would be of short hourly duration and, in the Zoning Administrator's discretion would not be unreasonable annoying or disturbing to neighbors, the Zoning Administrator may grant a temporary waiver from the within ordinance prohibitions.

**Section 6. Severability.**

The provisions of this ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only effect the particular provision, part of section thereof and shall not effect or invalidate the remainder of the within ordinance provisions which shall continue in full force and effect.

**Section 7. Penalties.**

A. Any person, firm, association, partnership, corporation or entity that violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule.

- a. 1<sup>st</sup> Offense \$100.00
- b. 2<sup>nd</sup> Offense \$300.00
- c. 3<sup>rd</sup> of more offense (each) \$500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which the Township of Hartford has incurred in connection with the municipal civil infraction. In no case, however, shall costs be less than \$9.00. Each day that a violation continues shall constitute a separate civil infraction.

B. Failure to appear as required in the notice of municipal civil infraction or to pay the designated civil fine and township costs shall constitute a misdemeanor subjecting the violator to a fine of up to \$500 and/or imprisonment for up to 90 days in jail.

**Section 8. Guides to Enforcement.**

- A. The primary means of enforcement of the within ordinance shall be through ordinary auditory hearing senses unenhanced by any mechanical or artificial hearing device.
- B. The employment of sound-amplifying equipment, as defined in the within ordinance, shall constitute a presumption of violation when accompanied by complaints from an occupant or occupants of adjoining premises.

**Section 9. Effective Date.**

This ordinance shall take effect 30 days after its publication following its adoption. All parts of ordinance in conflict herewith are hereby repealed.

*Adopted by the Township of Hartford, Van Buren County, Michigan on February 12, 2009.  
Effective March 29, 2009*