

HAMLIN TOWNSHIP
MASON COUNTY, MICHIGAN
ORDINANCE NO. 57

Introduced by R. Key; Seconded by S. Ptaszenski.

HAMLIN TOWNSHIP AMPLIFIED NOISE ORDINANCE

An ordinance to secure the peace, safety, and welfare of the residents of Hamlin Township, Mason County, Michigan, by the control of amplified noises and sounds; to provide definitions for words and phrases; to declare the hours during which outdoor amplified sounds may be played or broadcast; to provide penalties for violations; and for other related purposes.

The Township of Hamlin, Mason County, Michigan, ordains:

Section 1. Title

This ordinance shall be known and may be cited as the Hamlin Township Amplified Noise Ordinance.

Section 2. Definitions

(a) Except as otherwise provided herein, words and phrases used in this ordinance shall be interpreted according to their commonly understood meanings.

(b) The term "amplified noise" means all amplified noise, music, voices, tones, drumbeats, and other audible sounds emanating from or produced, reproduced, played, augmented, broadcast, magnified, or disseminated by or from any speaker, amplifier, microphone, megaphone, bullhorn, radio, television set, phonograph, tape player, CD player, stereo, computer, explosive device, pyrotechnic device, or any other electrical, digital, or mechanical device that produces, reproduces, amplifies, enlarges, broadcasts, or magnifies sound. The term "amplified noise" does not include sounds created by pets, domestic animals, or livestock.

(c) The term "outdoor area" means any area within the township that is not wholly contained within a fully enclosed building or structure.

(d) The word "township" shall refer to Hamlin Township, Mason County, Michigan.

Section 3. Statutory Authority

This regulatory ordinance is adopted pursuant to Section 1 of the Township Ordinances Act, MCL 41.181, as amended.

Section 4. Prohibited Activities

(a) No person who is present on any real property within the township shall create, play, produce, broadcast, or disseminate amplified noise which can be heard in any outdoor area by a person of ordinary hearing who is standing at least 100 feet from the boundary of said real property, measured in a straight line, between the hours of 10:00 p.m. in the evening and 9:00 a.m. the following morning, except as allowed under a Special Permit granted by the Hamlin Township Supervisor or other designated official in accordance with this ordinance.

(b) No owner or occupant of any real property within the township shall allow, permit, aid, encourage, or suffer any person upon the property to create, play, produce, broadcast, or disseminate amplified noise which can be heard in any outdoor area by a person of ordinary hearing who is standing at least 100 feet from the boundary of said real property, measured in a straight line, between the hours of 10:00 p.m. in the evening and 9:00 a.m. the following morning, except as allowed under a Special Permit granted by the Hamlin Township Supervisor or other designated official in accordance with this ordinance.

Section 5. Exceptions

The following amplified noises are exempt from the prohibitions and restrictions established by this ordinance:

(a) Noise caused by emergency vehicles, snow-removal equipment, fire trucks, fire-suppression equipment, utility vehicles, public alarms, safety signals, and warning devices.

(b) Noise created or caused by any public or private fire or burglar alarm.

(c) Noise caused by lawfully operated aircraft used in conformity with federal aviation regulations.

(d) Noise caused by vehicular traffic which is customarily created by automobiles and related vehicles using the public or private roadways.

(e) Noise caused by permitted industrial activities within areas of the township zoned for industrial use.

(f) Noise associated with agricultural practices and uses which are protected by Michigan's Right to Farm Act, 1981 P.A. 93, as amended.

(g) Noise associated with any mining or sand mining operation regulated by Michigan's Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended.

(h) Noise caused by fireworks, firecrackers, or related pyrotechnic devices during the hours when such devices may be lawfully ignited or discharged, but only if such fireworks, firecrackers, or pyrotechnic devices are being used in conformity with Michigan's Fireworks Safety Act, 2011 P.A. 256, as amended, and all applicable township ordinances.

Section 6. Special Permits

(a) A property owner within the township may submit a written application to the Township Supervisor or other official designated from time to time by the Hamlin Township Board of Trustees seeking a Special Permit for temporary relief from the requirements of this ordinance for a period not to exceed twenty-four (24) hours. Any such application shall be specific to the particular parcel of real property on which the property owner seeks permission to create, play, produce, broadcast, or disseminate the amplified noise.

(b) Any such application must be received by the Township Supervisor or other designated official no later than thirty (30) days prior to the planned event or occurrence at which the property owner seeks permission to create, play, produce, broadcast, or disseminate the amplified noise.

(c) Subject to approval by the Hamlin Township Board of Trustees, the Township Supervisor or other designated official may grant the Special Permit if it is determined that the planned amplified noise will not be unduly burdensome to the surrounding landowners and residents. In granting a Special Permit under this ordinance, the Township Supervisor or designated official may impose any terms and conditions that may be necessary for the protection of the peace and general welfare of the township.

(d) Only one (1) Special Permit may be granted with respect to activities on the same parcel of real property in any given calendar year at no charge. Any additional Special Permits for activities on that particular parcel shall require the payment of a fee as set forth below.

(e) A Special Permit granted under this ordinance shall be issued in writing and signed by the Township Supervisor or other designated official; it shall set forth the purpose of the permit, all terms and conditions imposed, and the period of time during which the permit shall be in effect.

(f) A Special Permit granted pursuant to this ordinance shall be immediately revoked if any terms or conditions imposed by the Township Supervisor or designated official are violated.

(g) Any violation of a Special Permit, including but not limited to a violation of any terms or conditions imposed thereon or a continuation of the amplified noise beyond the 24-hour term of the Special Permit, shall constitute a violation of this ordinance.

(h) All Special Permits must be approved by the Hamlin Township Board of Trustees.

(i) Additional permits may be obtained with respect to the same parcel for a fee of \$200.00 per permit, up to 30 per calendar year. If all conditions of prior Special Permit(s) were not met, any and all Special Permits requested following the violation shall be denied.

Section 7. Applicability

The provisions of this ordinance shall be applicable to all persons present within the township and all owners and occupants of real property within the township, even if the regulated use, production, amplification, dissemination, or broadcasting of amplified noise by that person or upon that person's property commenced before the effective date of this ordinance.

Section 8. Violations and Penalties

Violations of this ordinance shall be characterized as follows and shall subject the violator to the penalties described in this section:

(a) **First Violation.** A first violation of this ordinance shall subject the violator to a verbal warning also in writing and a request to stop creating, playing, producing, broadcasting, or disseminating the amplified noise in violation of this ordinance.

(b) **Second Violation.** A second violation of this ordinance on the same parcel of real property within the same calendar year shall constitute a municipal civil infraction and shall subject the violator to a civil fine of \$250.00.

(c) **Third or Subsequent Violation.** A third or subsequent violation of this ordinance on the same parcel of real property within the same calendar year shall constitute a municipal civil infraction and shall subject the violator to a civil fine of \$500.00.

(d) **Ongoing Violations.** In addition to the issuance of one or more municipal civil infraction citations, the township reserves the right to bring an action for injunctive, declaratory, or other equitable relief against any person in a court of competent jurisdiction to restrain or prevent an ongoing violation of this ordinance.

Section 9. Enforcement Official

This ordinance may be enforced by the Township Supervisor, any other township official designated to enforce this ordinance and issue municipal civil infraction citations by resolution of the Hamlin Township Board of Trustees, any duly sworn officer of the Mason County Sheriff's Department, or any other peace officer acting within the township.

Section 10. Remedies Cumulative

No provision of this ordinance shall be construed to impair any common-law, statutory, or other cause of action, or any legal remedy arising therefrom, which may be pursued by any private person for injury or damage arising from amplified noise created, broadcast, produced, or disseminated in violation of this ordinance.

Section 11. Severability

In the event that any one or more provisions of this ordinance shall be found invalid or unenforceable by a court of competent jurisdiction, such finding shall not affect the validity or enforceability of the remaining provisions hereof, which shall continue in force as written as if the invalid or unenforceable provisions had not been included.

Section 12. Terms and Phrases

Use of any singular term or phrase in this ordinance shall include the plural, and use of any plural term or phrase in this ordinance shall include the singular. Captions of sections in this ordinance are

included for convenience only and shall not be used to limit, broaden, or qualify the text.

Section 13. Effective Date

This ordinance shall take effect thirty (30) days after publication of the ordinance or a summary thereof in a newspaper of general circulation within the township.

AYES: Key, Lewis, Gurzynski, Ptaszenski, Vandervest

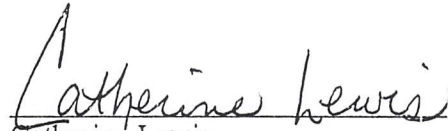
NAYS: None

CERTIFICATION BY TOWNSHIP CLERK

I, **Catherine Lewis**, Clerk of Hamlin Township, Mason County, Michigan, hereby certify that the foregoing ordinance was duly adopted by the Hamlin Township Board of Trustees at a regular meeting held on the 11th day of July, 2024, at the Hamlin Township Hall, 3775 N. Jebavy Drive, Ludington, Michigan 49431, and that the votes cast for and against said ordinance were as follows:

AYES: Key, Lewis, Gurzynski, Ptaszenski, Vandervest

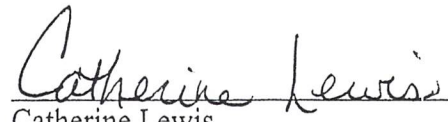
NAYS: None



Catherine Lewis
Hamlin Township Clerk

PROOF OF PUBLICATION

I, **Catherine Lewis**, Clerk of Hamlin Township, Mason County, Michigan, hereby certify that a summary of the foregoing ordinance was duly published in *The Ludington Daily News*, a newspaper of general circulation within the township, according to the provisions of MCL 41.184 on the 25th day of July, 2024.



Catherine Lewis
Hamlin Township Clerk

Effective Date: August 24, 2024