

AMPLIFIED SOUND ORDINANCE
Ord. No. 698
Adopted: April 21, 2008

An ordinance to regulate the use of amplified sound devices outdoors in the Charter Township of Fenton.

THE CHARTER TOWNSHIP OF FENTON, COUNTY OF GENESEE, MICHIGAN ORDAINS:

SECTION 1. Purpose

The purpose of this Ordinance is to secure the public health, safety and general welfare of the residents and property owners of Fenton Township by regulating outdoor amplified sound systems.

SECTION 2. Definition

Sound amplification device – Equipment designed to increase the volume of sound created by a separate source such as a musical instrument or a human voice. The term does not include a standard radio, DVD player or similar device, but does include “stand alone” amplified microphone systems.

SECTION 3. Permit

- A. Prior to using a sound amplification device in conjunction with an outdoor event, including a party, wedding, auction, outdoor sale, etc, the property owner or occupant of the property shall apply to the Township Zoning Administrator for an Amplified Sound Permit.
- B. The application shall contain the name and address of the applicant, the location of the place or places where such sound amplification device or system is proposed to be used, a description of sound amplification device and its purpose, the nature of the sound (music, PA announcements, etc.) and the length of time for which such permit is desired. The application shall include the fee established by the Township Board, which may be revised by the Board from time to time as they determine necessary
- C. The application shall be submitted at least 3 days prior to the beginning of the event to be covered by the permit
- D. The Zoning Administrator may issue a permit for a maximum of 30 days. Issuance of the permit shall be based on the standards for approval listed below.
- E. The Zoning Administrator may impose conditions to the amplified sound permit including maximum volume allowed, location and hours of operation of the amplified sound equipment.
- F. Each event requires a separate permit.

SECTION 4. Standards for Approval

- A. The applicant or property owner shall not have been cited for a violation related to this Ordinance or the Township Noise Abatement Ordinance.
- B. The nature of the proposed sound cannot include a drum, loudspeaker or other instruments or devices for the purpose of attracting attention to any performance, show, sale display or other commercial purpose, or the operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily

- heard from nearby, adjoining residential property.
- C. Compliance with these requirements does not exempt the permittee from complying with regulations in this Ordinance.

SECTION 5. Standards for Operation

The operation of any amplified sound device in such a manner or with such volume as to unreasonably upset or disturb the quiet, repose or comfort of other persons or to in any way interfere with the operation of any school or place of religious worship shall constitute a violation of this Ordinance.

SECTION 6. Inspection

The local police agency or the Township Ordinance Enforcement Officer is authorized to conduct site visits to verify compliance with the provisions of this Ordinance and the amplified sound permit.

SECTION 7. Other Ordinances.

- A. An operation permitted under this Ordinance is exempt from the noise regulations of Section 4.20 of the Township Zoning Ordinance for the term of the permit.
- B. An operation permitted under this Ordinance is exempt from the noise regulations of the Township Noise Abatement Ordinance for the term of the permit.
- C. A facility authorized to operate a restaurant with live entertainment and/or outdoor seating permitted by special use permit under Section 11.63 of the Township Zoning Ordinance may apply for an amplified sound permit only if the permit is not prohibited under the terms of the special use permit approved for that particular use.

SECTION 8. Appeals and Variances.

- A. The decision by the Zoning Administrator to approve or deny an application for a permit may be appealed to the Township Board by the applicant. Any appeal must be within 21 days of the date of the decision by the Zoning Administrator.
- B. An applicant who does not meet the requirements for issuance of a permit may apply for a variance from these ordinance requirements. Such a variance may be granted by the Township Board upon a finding that the variance will not violate the spirit or intent of this Ordinance.

SECTION 9. Penalties

- A. Violation of this Ordinance shall constitute a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) together with the cost of prosecution and/or imprisonment for a period of time not to exceed ninety (90) days.
- B. The provisions of this Ordinance shall be enforceable through the bringing of appropriate action for injunction, mandamus or otherwise in Genesee County Circuit Court. Any violation of this Ordinance is deemed to be a nuisance per se.

SECTION 10. Severability

The several provisions of this Ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION 11. Repeal

Ordinance No. 271, adopted July 5, 1977 is hereby repealed.

SECTION 12. Effective Date

This Ordinance shall be published as required by law and shall take effect thirty (30) days after its enactment and publication.

Enacted at a regular meeting of the Board of Trustees of the Charter Township of Fenton, held on the 21st day of April 2008.

Bonnie Mathis, Supervisor

Robert Krug, Clerk