

BEDFORD TOWNSHIP ORDINANCE NO. 41A-2

AMENDMENT TO BEDFORD TOWNSHIP NOISE ORDINANCE

An ordinance enacted pursuant to Act 246, Public Acts of 1945, as amended, to amend Bedford Township Ordinance No. 41, as amended, known as the Bedford Township Ambient Noise Level Ordinance, to restrict the use of speakers, loudspeakers and other such devices that amplify sound; to increase the penalties for violations of Bedford Township Ordinance No. 41, as amended; to generally preserve, protect and promote the public health, safety, and general welfare of the persons and property of Bedford Township; and to repeal all ordinances or parts of ordinances in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF BEDFORD, COUNTY OF MONROE, STATE OF MICHIGAN, HEREBY ORDAINS:

SECTION 1. AMENDMENT TO SECTION 1

The following definition shall be added to Section 1 of Bedford Township Ordinance No. 41, as amended, between the already existing definitions for *Person* and *Sound*:

...*Speaker*. A device that changes electrical signals into sound loud enough to be heard at a distance.

SECTION 2. AMENDMENT OF SECTION 13

Section 13 of Bedford Township Ordinance No. 41, as amended, entitled "Amplified Sound" shall be amended such that Section 13 shall be deleted in its entirety and replaced with new Section 13, which said new Section 13 shall read as follows:

Section 13. Amplified Sound

A. In all zoning districts, the following provisions apply:

1. It shall be unlawful for any person, firm, business or other organization in any zoning district to maintain, operate or use any speaker, loudspeaker or other sound amplifying device, including speakers or other devices in or mounted on motor vehicles or other movable objects, in a manner that produces a noise or sound that is unnecessary, excessive or offensive. Refer to Sec. 116.015 G. Table 1.
 2. It shall be unlawful for any person, firm, business or other organization in any zoning district to maintain, operate or use an outdoor speaker, loudspeaker or other sound amplifying device that is located two hundred fifty (250) feet or closer to the boundary line of any property that is situated within a residential zoning district.
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3. The operation or use of speakers, loudspeakers or other sound amplifying equipment for commercial purposes shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m. the following day.
 4. The operation or use of speakers, loudspeakers or other sound amplifying equipment for non-commercial purposes is prohibited between the hours of 11:00 p.m. and 8:00 a.m. the following day.
 5. The only noises or sounds that may be amplified shall be either music, human speech, or both.
 6. Noises or sounds emanating from speakers, loudspeakers or other sound amplifying equipment otherwise permitted by this ordinance shall be limited in volume, tone and intensity so that the sound shall not be audible at a distance in excess of two hundred (200) feet from the location of the speaker, loudspeaker or other sound amplifying device.
 7. No speaker, loudspeaker or other sound amplifying device shall be operated within twenty (20) feet of any hospital grounds, school grounds or church building while in use, unless said hospital, school or church does not object to such amplification.
 8. These provisions are not applicable to governmental agencies, law enforcement, public and private schools, churches and other religious establishments.
- B. In all residential zoning districts, the following additional provisions apply:
1. The operation or use of speakers, loudspeakers or other sound amplifying equipment for commercial purposes shall be prohibited at all times.
 2. The operation or use of any speakers, loudspeaker or other sound amplifying device otherwise permitted by this ordinance is prohibited between the hours of 11:00 p.m. and 8:00 a.m. of the following day.
 3. These provisions are not applicable to governmental agencies, law enforcement, public and private schools, churches and other religious establishments.

C. A person, firm, business or other organization may obtain a temporary one-day permit for the use of an outdoor speaker or other sound amplifying device that would otherwise not be permitted by this ordinance for special occasions, including, but not limited to, holidays, religious services, fairs, bazaars, festivals, carnivals, concerts or other such similar events, subject to the following rules, regulations and procedures:

1. The person, firm, business or organization must obtain and complete an application for a temporary permit, which shall be submitted to the Bedford Township Ordinance Enforcement Department at least two (2) weeks before the date of the event;
2. The applicant shall be required to submit a \$25.00 application fee with each application for a temporary permit;
3. The Bedford Township Board may change the fee from time to time, as deemed necessary;
4. A maximum of four (4) one-day permits shall be issued per business, organization, property owner and/or applicant per year;
5. The Bedford Township Supervisor, or their designee, shall be responsible for granting or denying each application for a temporary permit;
6. An applicant may appeal a denial of any application to the Township Board of the Township of Bedford.

SECTION 3. AMENDMENT OF SECTION 22

Section 22 of Bedford Township Ordinance No. 41, as amended, entitled "Penalty" shall be amended such that Section 22 shall be deleted in its entirety and replaced with new Section 22, which said new Section 22 shall read as follows:

Section 22. Penalty

Any person, firm, corporation partnership or other organization or entity, or anyone acting on behalf of said person, firm corporation, partnership or other organization or entity, who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined by Michigan law, and subject to a civil fine determined in accordance with the following schedule:

First violation within a two-year period*.....\$100.00
Second violation within a two-year period*....\$200.00
Third violation within a two-year period*.....\$300.00
Fourth violation within a two-year period*.....\$400.00

(*Determined on a basis of the date of the violation.)
A violator of this Ordinance shall be subject to additional sanctions, remedies and
judicial orders as authorized under Michigan law.

SECTION 4. PRIOR AND INCONSISTENT ORDINANCES REPEALED

All ordinances or parts of ordinances in conflict with this ordinance are to the extent of
such conflict repealed.


SECTION 5. SEVERABILITY

This ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases,
and clauses thereof are hereby declared severable, and if any of them are adjudged to be
unconstitutional or invalid, it is hereby directed that the remainder of the ordinance shall not be
affected.


SECTION 6. EFFECTIVE DATE

This ordinance shall become effective the 31st day after it or a summary of it is published in
a newspaper of general circulation in the Township of Bedford, County of Monroe, State of
Michigan.

THE TOWNSHIP BOARD, BEDFORD
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN:

By: 
Robert A. Schockman,
Bedford Township Clerk

AUTHENTICATED:

By: 
Walter C. Wilburn,
Bedford Township Supervisor

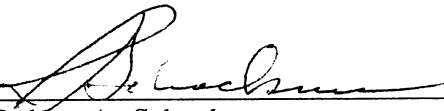
I, Robert A. Schockman, do hereby certify that I am the duly elected and acting Clerk of the Township of Bedford, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Bedford, Monroe County, Michigan, at a regular meeting of the Township Board held at the Bedford Township Hall, Temperance, Bedford Township, Michigan, on the 20th day of April, 2010.

The vote on said Ordinance, 6 members being present and 1 members absent, was as follows:


Member's Last Name		
Voting in Favor:	<u>Goebel</u>	<u>O'Dell</u>
	<u>Francis</u>	<u>Meyer</u>
	<u>Schockman</u>	<u>Wilburn</u>
	<u></u>	<u></u>
Voting Against:	<u>None</u>	<u></u>
	<u></u>	<u></u>
Abstained:	<u>None</u>	<u></u>
	<u></u>	<u></u>
Absent:	<u>Hurley</u>	<u></u>
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I, Robert A. Schockman, do hereby certify that this Ordinance or a summary thereof, was published on the 20th day of April, 2010, in the Monroe Evening News, Monroe County, Michigan, a newspaper of general circulation in the Township of Bedford, within thirty (30) days after adoption of this Ordinance.

Dated: 4/28/2010

By: 
Robert A. Schockman,
Bedford Township Clerk

ATTEST:

By: 
Walter C. Wilburn,
Bedford Township Supervisor

ADOPTED: 4/20/2010

PUBLISHED: 4/26/2010

EFFECTIVE: 5/27/2010

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