

20.900

**AMPLIFIED SOUND SYSTEMS  
VILLAGE OF MANCELONA, MICHIGAN  
ord. no. 82 eff. Sept 22, 1998**

An Ordinance to prohibit the Loud Operation of Amplified Sound Systems to provide exceptions, and to provide penalties for violations.

THE VILLAGE OF MANCELONA HEREBY ORDAINS:

20.901 Section 1. **DEFINITIONS.** As used in this Ordinance,

- A. An **“Amplified Sound System”** means a device which produces or amplifies sound either electronically or mechanically and includes but is not limited to radios, phonographs, compact disc players, tape players, televisions, musical instruments, drums, and sound amplifiers.
- B. A **“highway or street”** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- C. A **“motor vehicle”** means every vehicle which is designed to be self-propelled.
- D. A **“person”** means an individual, firm, corporation, association, partnership, limited partnership, estate, trust, limited liability company, or other legal entity.
- E. A **“sidewalk”** means that portion of a highway or street between the curb lines, or lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- F. A **“vehicle”** means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, and specifically includes bicycles and tricycles.  
(ord. no. 82 eff. Sept. 22, 1998)

20.902 Section 2. **PROHIBITED OPERATION OF AMPLIFIED SOUND SYSTEM.**

- A. No person operating or in control of a parked vehicle or motor vehicle and no person operating a vehicle or motor vehicle on a highway or other place open to the general public, including an area designated for the parking of vehicles or motor vehicles, shall operate or permit another person to operate an amplified sound system that is clearly audible from the vehicle or motor vehicle by and individual or ordinary hearing ability under either of the following circumstances:
  - 1. At a distance of fifty (50) feet from the vehicle or motor vehicle, between the hours of 7:00am and 10:00pm

2. At a distance of twenty-five (25) feet from the vehicle or motor vehicle, between the hours of 10:00pm and 7:00am the following day.
- B. No person between the hours of 10:00pm and 7:00am the following day shall operate or permit another person to operate an amplified sound system from any real property within the Village that is clearly audible by an individual of ordinary hearing ability at a distance of twenty-five (25) feet from the boundaries of the property on which the amplified sound system is being operated.
- C. No person shall operate or permit another person to operate and amplified sound system on a highway or sidewalk that is clearly audible by an individual of ordinary hearing ability under either of the following circumstances:
1. At a distance of fifty (50) feet from the device producing the sound, between the hours of 7:00am and 10:00pm.
  2. At a distance of twenty-five (25) feet from the device producing the sound, between the hours of 10:00pm and 7:00am the following day.
- (ord. no. 82 eff. Sept. 22, 1998)

20.903 Section 3 **EXEMPT ACTIVITIES.**

Section 2 shall not apply to the operation of amplified sound systems when used in connection with parades, musical productions or events authorized by the Village, school district, or civic or community organization; to the operation of amplified sound systems by the Village or any police or fire official when used to disseminate official information; and to the operation of amplified sound systems used to give official warnings such as sirens, whistles, bells, or horns as authorized by the state motor vehicle code or the uniform traffic code adopted by the Village.

20.904 Section 4. **MUNICIPAL CIVIL INFRACTIONS.**

- A. Any person who violates any provision of the Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
1. For a first offense, the person shall be fined not less than \$50.00, nor more than \$100.00, plus the costs of prosecution and other sanctions provided by law.
  2. For a second or subsequent offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$100.00 nor more

than \$200.00, plus the costs of prosecution and other sanctions provided by law.

- B. Each day this Ordinance is violated shall be considered a separate violation.
- C. Officers of the Mancelona Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under the Ordinance directing offenders to appear in court.  
(ord. no. 82 eff. Sept. 22, 1998)

20.905 Section 5. **NUISANCE PER SE.**

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.  
(ord. no. 82 eff. Sept. 22, 1998)

20.906 Section 6. **SEPARATE COURT ACTION.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of the Ordinance.  
(ord. no. 82 eff. Sept. 22, 1998)

20.907 Section 7. **SEVERABILITY.**

If any section, provision or clause of the Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of the Ordinance which can be given effect without the invalid portion or application.  
(ord. no. 82 eff. Sept. 22, 1998)

20.908 Section 8. **EFFECTIVE DATE.**

This Ordinance shall become effective Twenty (20) days after its enactment.