

STATE OF MICHIGAN
COUNTY OF LIVINGSTON
TOWNSHIP OF HAMBURG
ORDINANCE NO. 2025.G.004

**AN ORDINANCE TO AMEND THE HAMBURG TOWNSHIP
CODE OF ORDINANCES, CHAPTER 22, ARTICLE II.,
"BREACH OF PEACE," TO CHANGE SEC. 22.21
"DEFINITION," AND SEC. 22.23 "SPECIFIC
PROHIBITIONS," TO REMOVE REFERENCE TO FIREWORKS
AS IT IS BEING ADDED UNDER CHAPTER 22, ARTICLE VI.**

HAMBURG TOWNSHIP ORDAINS:

PART I. That Chapter 22, "Offenses and Miscellaneous Provisions," Article II, "Breach of Peace," is hereby amended in Section 22-21 "Definition," and in Section 22-23. "Specific prohibitions," to reads as follows:

Sec. 22-21. Definition.

APA standard 87-1 means 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

Cemetery means any property owned, operated, or maintained by Hamburg Township used for the burial or internment of deceased persons.

~~*Consumer firework* means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low impact fireworks.~~

~~*Low impact firework* means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.~~

Plainly audible means any sound that can be clearly detected by a person using his or her unaided hearing faculties.

Property line means either (a) the boundary line that separates one parcel of real property from another; (b) the boundary line that separates one parcel of real property from a body of water; or (c) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building;

Public facilities mean public parks, cemeteries and Township buildings as defined herein.

Public park means any property owned, leased or operated by Hamburg Township or the State of Michigan which is used by the public for recreational purposes.

Residential disturbance means a gathering of more than one person at a residential property between the hours of 10:00 p.m. and 7:00 a.m., at which noise associated with the gathering, including human voices, is frequent, repetitive or continuous for a period of 15 minutes or more and is plainly audible at a distance of 100 feet or more beyond the property line or plainly audible within another person's residential dwelling.

Residential dwelling means any building or structure or part of a structure used by one or more persons for habitation and includes, but not limited to, houses, condominiums, apartments, boarding rooms, and mobile homes.

Residential street means any street or roadway, whether public or private, which is located within any of the Hamburg Township Zoning Districts, as established by the Hamburg Township Zoning Ordinance, where the property adjoining the street or roadway is authorized to be used for dwelling purposes.

Sports official means any person authorized to act in a sporting or other competitive event as a judge, referee or umpire of such event.

Township means Hamburg Township, Livingston County, Michigan.

Township building means any building, structure or other facility owned or operated by Hamburg Township and used for a public purpose.

Township employee means any full-time employee, part-time employee, temporary employee, seasonal employee or on-call employee of Hamburg Township. It also shall mean any unpaid volunteer or intern performing work for Hamburg Township as authorized by the Township Board.

(Ord. No. 94-C, § 3.0, 3-1-2022)

Sec. 22-23. Specific prohibitions.

The following specific acts and noises are hereby declared to be an unnecessary or unreasonable interference with the peace and good order of the Township of Hamburg and/or its residents and are hereby deemed a breach of the peace in violation of this article:

- (1) No person shall operate any power lawn equipment including, but not limited to, lawn mowers, leaf blowers, power edgers, power sheers/trimmers or power saws within 500 feet of a residential dwelling between the hours of 10:00 p.m. and 7:00 a.m.
- (2) No person shall engage in any type of construction, repair, remodeling, drilling, woodcutting or excavating within 500 feet of a residential dwelling between the hours of 10:00 p.m. and 7:00 a.m.
- (3) No person shall use or operate or permit to be used or operated any radio, television, phonograph, musical instrument, speaker, amplifier or other machine or device for the producing, reproducing or amplification of sound with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. It shall be prima facie evidence of a violation of this Ordinance if sound emanating from such machine or device is:
 - a. Plainly audible beyond the property line of the location where the machine or device is being used between the hours of 10:00 p.m. and 7:00 a.m.

- b. Plainly audible at a distance of 100 feet beyond the property line of where the machine or device is being used or is plainly audible within a residential dwelling between the hours of 7:00 a.m. and 10:00 p.m.
- c. Plainly Audible at a distance of 100 feet from such machine or device if operated from a motor vehicle on a public street or parking lot open to the public.
- d. Plainly Audible at a distance of 100 feet from such machine or device when operated in a public park or other place open to the public.

~~(4) Pursuant to Public Act 256 of 2011, as amended, (specifically, MCL 28.457), a.k.a the Michigan Fireworks Safety Act, no person shall ignite, discharge, or use any consumer fireworks anywhere in the Township:~~

- ~~a. Before 11:00 a.m. or after 11:45 p.m. June 29th through July 5th, inclusive, excepting July 5th, if that date is a Friday or Saturday, until 11:45 p.m.;~~
- ~~b. Before 11:00 a.m. or after 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day and Memorial Day;~~
- ~~c. Before 11:00 a.m. on December 31st or after 1:00 a.m. on January 1st;~~
- ~~d. Before 11:00 a.m. or after 10:00 p.m. on any other day of the year not specifically cited in this Ordinance.~~

~~(54)~~ No person shall yell, shout, whistle, sing or otherwise communicate in a manner or at a volume:

- a. Where such communication is plainly audible at a distance of 100 feet from the person on a residential street between the hours of 10:00 p.m. and 7:00 a.m.
- b. In a Township building if it interferes with the public's use of said building or interferes with the ability of a Township employee to effectively carry out the business of the Township.
- c. In a public facility if would cause a reasonable person to feel intimidated, threatened or harassed.
- d. In or near any commercial, retail or other place of business open to the general public if it interferes with or disrupts the operation of said business.
- e. In or near any commercial, retail or other place of business open to the general public if it would cause an employee or patron of such business to reasonably feel intimidated, threatened or harassed.

~~(65)~~ No person shall engage or participate in a residential disturbance, as that term is defined herein. The person exercising dominion or control over the residential property where said disturbance is occurring shall be held responsible for violation of this section.

~~(76)~~ A person shall not operate a motor vehicle with unnecessary noise and shall not start, move or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.

- (87) No person shall sound any horn or signaling device on any vehicle, motorcycle or vessel anywhere in the Township, except as a danger warning or in compliance with state law.
- (98) No person shall unnecessarily jostle, shove, push or crowd another person in a place open to the general public.
- (109) No person shall be in a state of intoxication, either by the consumption of alcohol, drugs or combination of both, in a public place and either:
- Endanger the safety of another person or of property; or
 - Act in a manner that causes a public disturbance or alarm. The summoning of the police by a member of the public due to the actions of the intoxicated person is deemed prima facie evidence that a public disturbance or alarm was created by the intoxicated person.
- (110) No person shall engage in any fight or other physical altercation with any other person in a place open to the public. A law enforcement officer having jurisdiction to enforce this article may initiate prosecution under this article whether or not any person involved in the fight or physical altercation pursues a criminal complaint against the other person(s) involved.
- (121) No person shall engage in any conduct which shall interfere with or interrupt an organized athletic or recreational event being held at any Township athletic field or park which has been authorized by the Township Board; nor shall any person act in a manner which would cause a participant, coach, sports official or spectator of such event to reasonably feel intimidated, threatened or harassed.
- (131) No person, except authorized Township employees and officials and persons given express permission by a Township employee or official, shall enter into or upon, loiter outside of, or remain within any publicly owned or leased area or building within the Township that is posted with one or more signs stating "public entry prohibited," "public access prohibited," "authorized personnel only," "restricted area," "no public access allowed," "Township personnel only," "employees only," or similar statements prohibiting or restricting entry or access.
- (141) Nothing in this section shall be construed as to prevent a law enforcement officer from taking enforcement action against any person engaged in conduct not specifically prohibited by this section if such conduct is in violation of section 22-22 of this article.

(Ord. No. 94-C, § 5.0, 3-1-2022; Ord. No. 94-D, § 5.0, 3-1-2023)

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Hamburg Township Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Hamburg Township Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by Hamburg Township.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Hamburg Township Board of Trustees in a meeting thereof duly held and called on the ____ day of _____, 2025, in order to be given publication in the manner prescribed by Hamburg Township.

Moved by _____ and supported by _____.

Mike Dolan, Hamburg Township Clerk

Certificate of Adoption

I, (Clerk), the duly qualified Clerk for the Township of Hamburg, Livingston County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board at a meeting held on (date). The original is on file in the Office of the Township Clerk.

By: _____
Mike Dolan, Hamburg Township Clerk

Introduced: October 7, 2025

Adopted: (Second reading date/when motion was passed)

Effective: (Date the law/change becomes effective) (Clerk assists with this)

Published: (Date the law/change is published) (Clerk assists with this)