

ORDINANCE NO. 15-9

**AN ORDINANCE REGARDING NOISE LIMITATIONS
AND NOISE POLLUTION PREVENTION**

The Village Board of the Village of Elk Mound, Dunn County, Wisconsin, do ordain as follows:

SECTION I. REPEAL AND ADOPTION OF PROVISIONS.

Section 11-2-7 of the Village of Elk Mound Code of Ordinances is repealed and recreated to read as follows:

Sec. 11-2-7 Noise Limitations; Noise Pollution Prevention.

- (a) **Purpose.** Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life. It is the intent of this Section to minimize the public's exposure to the physiological and psychological dangers of excessive noise, and protect, promote and preserve the public health, safety and welfare. It is the express purpose of this Section to control the level of noise in the Village of Elk Mound in a manner which promotes the reasonable use and enjoyment of property, conduct of business, sleep and repose of residents, and an environment free from unnecessary and excessive sound that constitutes noise pollution. This Section shall be liberally construed to carry out its public purposes.
- (b) **Definitions.** The following definitions shall be applicable in this Section, unless the context otherwise clearly indicates:
 - (1) **"A" Band Level.** The total sound level of all noise as measured with a sound level meter using the the "A" weighting network. The unit is the dB(A). Instrument response shall be set on "fast" for motor vehicle measurement and "slow" for all other measurements.
 - (2) **Ambient Noise Level.** The sound pressure level of the all-encompassing noise associated with a given environment, being usually a composite of sounds with many sources and excluding the specific noise under investigation.
 - (3) **Band-Pressure Level.** The sound pressure level for the sound contained within the restricted band (a specified frequency).
 - (4) **Commercial Purpose.** The use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting attention the attention of the public to or advertising for, or soliciting patronage or customers to or for any event, performance, show,

exhibition or entertainment, or for the purpose of demonstrating any such sound equipment.

- (5) **Cycle.** The complete sequence of values of a periodic quantity which occurs during a period of time.
- (6) **Decibel (dB).** A unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio of two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.
- (7) **Emergency Work.** Work made necessary to restore property to a safe condition following a public emergency or work required to protect persons or property from an imminent exposure to danger.
- (8) **Frequency.** The frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the "cycle per unit" and shall be specified.
- (9) **Microbar.** A unit of pressure commonly used in acoustics and is equal to one (1) dyne per square centimeter.
- (10) **Motor Vehicle.** Is defined in Sec. 340.01(35), Wis. Stats. For purposes of this Section, "motor vehicle" includes, but is not limited to, all of the following:
 - a. **Aircraft** as defined in Sec. 29.001(16), Wis. Stats.
 - b. **All-Terrain vehicles** as defined in Sec. 340.01(2g), Wis. Stats.
 - c. **Antique vehicles** as described in Sec. 341.265, Wis. Stats.
 - d. **Automobiles** as defined in Sec. 340.01(4), Wis. Stats.
 - e. **Boats** as defined in Sec. 29.001(16), Wis. Stats.
 - f. **Camping trailers** as defined in Sec. 340.01(6m), Wis. Stats.
 - g. **Farm equipment** as defined in Sec. 100.47(1), Wis. Stats.
 - h. **Farm tractors** as defined in Sec. 340.01(16), Wis. Stats.
 - i. **Hobbyist or homemade vehicles** as defined in Sec. 341.268, Wis. Stats.
 - j. **Junk vehicles** as defined in Sec. 340.01(25j), Wis. Stats.
 - k. **Implements of husbandry** as defined in Sec. 340.01(24), Wis. Stats.
 - l. **Manufactured homes** as defined in Sec. 101.91(2), Wis. Stats.
 - m. **Mobile homes** as defined in Sec. 340.01(29), Wis. Stats.
 - n. **Mopeds** as defined in Sec. 340.01(29m), Wis. Stats.
 - o. **Motor bicycles** as defined in Sec. 340.01(30), Wis. Stats.
 - p. **Motor buses** as defined in Sec. 340.01(31), Wis. Stats.
 - q. **Motor homes** as defined in Sec. 340.01(33m), Wis. Stats.
 - r. **Motor trucks** as defined in Sec. 340.01(34), Wis. Stats.
 - s. **Motor vehicle** as defined in Sec. 340.01(35), Wis. Stats.
 - t. **Motorcycles** as defined in Sec. 340.01(32), Wis. Stats.
 - u. **Railroad trains** as defined in Sec. 340.01(48), Wis. Stats.
 - v. **Recreational vehicles** as defined in Sec. 340.01(48r), Wis. Stats.
 - w. **Road machinery** as defined in Sec. 340.01(52), Wis. Stats.
 - x. **Road tractors** as defined in Sec. 340.01(53), Wis. Stats.
 - y. **Salvage vehicles** as defined in Sec. 340.01(55g), Wis. Stats.

- z. *School buses* as defined in Sec. 340.01(56), Wis. Stats.
 - aa. *Self-Propelled Vehicles* of any type.
 - bb. *Semi trailers* as defined in Sec. 340.01(57), Wis. Stats.
 - cc. *Snowmobiles* as defined in Sec. 340.01(58), Wis. Stats.
 - dd. *Special interest vehicles* as defined in Sec. 341.266, Wis. Stats.
 - ee. *Trailers* as defined in Sec. 340.01(71), Wis. Stats.
 - ff. *Truck tractors* as defined in Sec. 340.01(73), Wis. Stats.
 - gg. *Unlicensed demolition motor vehicles, unlicensed racing motor vehicles, and go carts, garden tractors, riding lawn mowers, and other motorized tractors, motorized carts, and motorized utility vehicles* that require no registration or licensure by the State of Wisconsin.
- (11) **Noncommercial Purpose.** The use, operation or maintenance of any sound equipment for other than a commercial purpose, and shall include, but not be limited to, civic, patriotic, philanthropic, charitable and/or political purposes.
 - (12) **Period.** The smallest increment of time for which the function repeats itself.
 - (13) **Periodic Quantity.** Means the oscillating quantity, the values of which recur for equal increments of time.
 - (14) **Sound-Amplifying Equipment or Device.** Any device, equipment, musical instrument, loudspeaker, radio, television, digital or analog music player, public address equipment, electronics or machine for the amplification or intensification of music, the human voice, or any other sound. Not included in this definition are standard automobile or truck radios and audio equipment when used and heard only by the occupants of the vehicle in which the radio or audio equipment is installed. As used in this Section, this definition shall also not include warning devices on any emergency vehicle or vehicle used for traffic or worker safety purposes.
 - (15) **Sound Analyzer.** A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.
 - (16) **Sound Level Meter.** An instrument sensitive to pressure fluctuations and meeting the standards of the American National Standards Institute (ANSI) SI.4-1983 or its successors. The instrument shall use the "A" weighted network.
 - (17) **Sound Pressure Level.** Measured in decibels of sound, shall mean twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.
 - (18) **Sound Truck.** Any motor vehicle, or any other vehicle regardless of method of motive power, whether stationary or in motion, having mounted thereon, or attached thereto, any sound-amplifying equipment.
 - (19) **Spectrum of a Function of Time.** The spectrum of a function of time shall mean a description of its resolution into components, each of a different frequency.

- (c) **Decibel Measurement Criteria.** Unless otherwise indicated, any decibel (dB) measurement made pursuant to the provisions of this Section shall be based on the reference sound pressure and measured with a sound level meter using the "A" weighting network. In this Section, the terms dB and dB(A) are synonymous unless otherwise stated.
- (d) **Limitations on General Sources of Sound or Noise.**
- (1) **Loud and Unnecessary Noise or Sound Prohibited.**
 - a. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise as regulated by this Section. No person shall cause, suffer, allow or permit the operation of any source of sound or noise in such manner as to create a sound level that equals or exceeds the sound level limits set forth in this Section or which occurs during designated times of sound or noise limitation. Noise and sound shall be so muffled or otherwise controlled as not to become objectionable, due to intermittence, duration, beat, frequency, periodic character, impulse character or shrillness
 - b. It shall be unlawful for any person to use or operate, or permit to be used or operated, any sound-amplifying equipment or device in any public or private place in such manner that persons owning, occupying or using property in the neighborhood are unreasonably disturbed or annoyed by noise or sound levels that equal or exceed the sound level limits set forth in this Section.
 - (2) **General Noise Sound Levels Established.** The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and use classification listed below. This includes, but is not limited to, sound from such activities as production, processing, entertainment, cleaning, servicing, maintenance, operating and/or repairing vehicles, goods, materials, products or devices. Sound pressures in excess of those established below, during the named time periods, shall constitute prima facie evidence that such sound is an excessive and unnecessary noise creating noise pollution:

Sound Pressure Level Limit dB(A)

Districts/Time	Residential	Commercial	Industrial
7 a.m. - 10 p.m. (Day)	65	65	75
10 p.m. - 7 a.m. (Night)	55	55	65

[**Note:** "Residential" includes the residential portion of a multi-use property. "Commercial" includes the non-residential portion of a multi-use property and public properties.]

- (3) **Agricultural Parcels.** The sound pressure limits established above for commercial parcels shall also apply to any parcel of land zoned agricultural..
 - (4) **Where Measured.** Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public right-of-way, at a height of at least three (3) feet above the ground surface and at least three (3) feet away from walls, obstructions, barriers or sound reflective surfaces. Measurements shall be taken using a sound level meter which operates on the "A" weighting network.
 - (5) **Different Land Use Categories.** Sound projecting from a property of one land use category onto property of another land use category having a lower sound level limit shall not exceed the limits for the property of the land use category onto which it is projected.
- (e) **Exceptions.** The sound level limitations of Subsection (d) above shall not apply to:
- (1) **Emergency Work.** Sounds caused by emergency equipment and emergency work necessary in the interests of law enforcement or the protection of the safety, health or welfare of the community or individuals, or to restore property to a safe condition following a calamity.
 - (2) **Emergency Alarms.** Sounds created by fire and other emergency alarms.
 - (3) **State-Prescribed Noise Limits.** Situations where specific noise standards or limitations prescribed by the Wisconsin Statutes or Wisconsin Administrative Code are applicable.
 - (4) **Federal Noise Limits.** Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), by the Federal Emergency Management Agency (FEMA) or other government agencies to the extent that they comply with the noise requirements of the enabling legislation or regulation. Examples are sounds regulated by federal law that include sounds caused by aircraft, railroads and interstate motor carriers.
 - (5) **Sports and School Events.** Amplified or non-amplified sounds created by organized athletic, school or other group activities, when those activities are conducted on property generally used for that type of activity, such as athletic fields, parks, and schools, between the hours of 7:00 a.m. and 11:00 p.m.
 - (6) **Community Events; Public Fireworks Displays.** Sounds created by community/civic events, such as, but not limited to, public fireworks displays, street dances, fairs and festivals, between the hours of 7:00 a.m. and 11:00 p.m. Included in this exception is the reasonable utilization of amplifiers or loudspeakers in the course of noncommercial use at such events.
 - (7) **Solid Waste Collection.** Sounds made by Village-authorized solid waste and recyclables collectors engaged in collection activities.

- (8) **Snow Removal.** Sounds made by the removal of snow or ice from public or private property provided equipment used for this purpose has operable mufflers meeting manufacturer's specifications.
 - (9) **Public Works Construction.** Excavations or repairs of streets or other public construction on behalf of a governmental entity at night when public welfare and convenience is served.
 - (10) **Bells and Chimes.** Any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any clock, school or place of religious worship.
- (f) **Specific Noise and Sound Limitations.**
- (1) **Lawn and Yard Maintenance Equipment.** Sounds created by yard maintenance equipment, such as lawn mowers, power tools, home maintenance tools, leaf blowers, chainsaws, rototillers, and yard maintenance equipment, are exempt from the sound limits of Subsection (d) provided such equipment is operated with operable mufflers meeting manufacturer's specifications. Such equipment shall only be operated outside between the hours of 7:30 a.m. and 9:00 pm.
 - (2) **Portable Sound Production Devices on Public Property.** Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space, public property or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8:00 a.m. and 9:00 p.m. Between the hours of 9:00 p.m. and 8:00 a.m., such sound shall not be plainly audible at a distance of twenty-five (25) feet in any direction from the operator.
 - (3) **Construction, Repair or Demolition of Buildings.** The construction (including excavation), demolition, alteration, or repair of any building, as well as the operation of any pile driver, heavy equipment, pneumatic hammer, motorized or electric hoist or any similar such equipment attended by loud or unusual noise shall only be conducted between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and 11:00 a.m. and 7:00 p.m. Saturday or Sunday. Such operations shall be subject to the sound level limitations of Subsection (d) above.
 - (4) **Schools, Hospitals, Religious Institutions and Libraries.** No person shall create any unnecessary noise on any street, sidewalk or public place adjacent to any school, library or religious institution while the same is in use; or adjacent to any hospital which noise unreasonably interferes with the operations of such facility or which unduly disturbs patients therein, provided signage is erected on such street, sidewalk or public place indicating the presence of a school, hospital, religious institution or library.
 - (5) **Public Disturbances and Disorderly Conduct.** No person shall persistently yell, shout, hoot, whistle, sing or create other human-produced noise that is unnecessarily loud and disturbs the peace of persons residing beyond a property line between the hours of 10:00 p.m. and 7:00 a.m.

(g) **Temporary Variance Permits.**

- (1) **Application.** The Chief of Police may grant a temporary permit which allows noncompliance with the limitations prescribed in this Section for the purpose of amplified sound or construction noise activities of short duration. Permits may be granted upon application provided an initial evaluation indicates that the permit will not result in a condition injurious to public health, safety and general enjoyment of property. The application shall contain the following information:
 - a. Dates requested;
 - b. Time and place of operation;
 - c. Equipment and operation involved;
 - d. Necessity for such permit;
 - e. Steps to be taken to minimize noise; and
 - f. Name, address and contact information (landline, cellphone and fax numbers; email address) of the responsible person(s) who will be present at the site while the noise is being produced.
- (2) **Application Review Criteria.** The following factors will be considered in the evaluation of an application:
 - a. **Temporary Amplified Sound Permits.**
 1. Distance of proposed activities from noise-sensitive property.
 2. Number and type of amplification devices to be used with the proposed activities.
 3. Anticipated direction of amplification devices.
 4. Anticipated length of proposed activities.
 5. Whether the activity will be held within or outside of a structure.
 6. The public purposes of this Section.
 - b. **Temporary Construction Noise Permits.**
 1. Distance from noise-sensitive property.
 2. Type of activity and equipment.
 3. Estimated noise level and duration.
 4. Noise mitigation measures to be employed.
 5. Health and safety benefits to be realized as a result of the completed project.
 6. A statement explaining how compliance with the standards of this Section would cause extraordinary loss or inconvenience to the applicant and be against the public interest.
 7. The public purposes of this Section.
- (3) **Application Determination; Revocation; Appeals.**
 - a. Upon a determination that the granting of a temporary variance permit will not result in a condition injurious to public health or safety, the permit may be issued, with any requirements appropriate to the proposed activity site.
 - b. A Village enforcement official may revoke a temporary variance permit if it is found that any requirement of the permit has been violated.

- c. Any person aggrieved by the disposition of an application and/or issuance of a temporary variance permit may appeal such disposition to the Village Board by filing a written appeal request with the Village Clerk-Treasurer within fifteen (15) days of the issuance decision regarding the permit.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE,

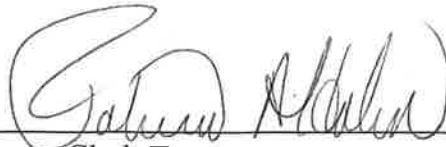
This Ordinance shall take effect upon passage and publication or legal posting as provided by law.

ADOPTED this 18 day of November, 2015.

VILLAGE OF ELK MOUND, WISCONSIN



Village President



Clerk-Treasurer

PASSED:

11/18/15

PUBLISHED/POSTED:

11/18/15

STATE OF WISCONSIN:
DUNN COUNTY:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly passed by the Village Board of the Village of Elk Mound on the 18 day of November, 2015 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 18 day of November, 2015

A handwritten signature in cursive script, appearing to read "Patricia Hahn", written over a horizontal line.

Patricia Hahn, Clerk-Treasurer