

Chapter 32 Regulation of Excessive Noise

32.01 Statement of Purpose

32.02 Definitions

32.03 Exemptions

32.04 Enforcement

32.05 Measuring Sound Levels

32.06 Maximum Permissible Sound Levels

32.07 Commercial Noise Limitations

32.08 Noise emitted from motor vehicle

32.09 Sound Producing or Amplification Devices in motor vehicles

32.10 Penalties

32.11 Severability

32.01 Statement of Purpose. The Village of Lake Delton recognizes that excessive noise is a serious threat to the public health and welfare, public safety, quality of life and property values. Therefore, it is the policy of the Village to prevent and abate excessive noise which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the Village.

32.02 Definitions. All terminology used in this ordinance, not defined below or elsewhere within the Village of Lake Delton Municipal Code, shall be given the definitions provided by applicable publications of the American National Standards Institute (ANSI) or its successor body.

A. Authorized Emergency Vehicle: As defined in Sec. 340.01(3), Wis. Stats. and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.

B. Commercial Stationary Source: Any fixed commercial source of noise.

C. Emergency Work: Work necessary to restore property to a safe condition following a public calamity, work required to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

D. Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

E. Sound Level Meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in the American National Standards Institute ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 or its successor.

F. Sound Pressure: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound.

G. Sound Pressure Level: 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20×10^{-6} N/m²). The sound pressure level is denoted L_p or SPL and is expressed in decibels (dBA).

H. Source Zone: The zoning district in which is located the real property from which noise originates.

- I. **Modified Exhaust System:** An exhaust system in which any of the following apply:
 - 1. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise; or
 - 2. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices; or
 - 3. Devices have been added to the original noise abatement devices, such that noise levels are increased.

32.03 Exemptions. The provisions of this ordinance shall not apply to the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.
- B. Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.
- C. The operation of authorized emergency vehicles.
- D. Public works projects as authorized by the village, federal, state and/or other political subdivisions.
- E. Any fireworks display licensed under and operated in compliance with Sec. 36.16 VMC.
- F. Any bells or chimes of any building clock, public or private school building, or place of religious worship.
- G. A Temporary Variance Permit may be issued by the Village Board upon request provided that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

32.04 Enforcement. The Village of Lake Delton Police Department shall enforce this Chapter by the citation method of enforcement as provided herein.

32.05 Measuring Sound Levels. Sound levels shall be measured using Type 1 or Type 2 sound level meters manufactured to conform to specifications of the American National Standard Institute ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995. Sound level meters shall be capable of both fast and slow meter response. Measurements shall be made using an "A" weighted network of the sound level meter. All noises shall be subject to the standards contained in section 32.06 Village Municipal Code provided that such noise shall be capable of being accurately measured with such equipment. Under this section, noises capable of being accurately measured with such equipment shall be deemed to be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels.

32.06 Maximum Permissible Sound Levels

- A. Except as otherwise specifically provided, between the hours of 11:00 PM and 7:00 AM., no person shall make, or assist in making, any sound that shall unreasonably disturb the peace and quiet of persons unless the making and continuing of the same cannot be prevented and is necessary for the protection and preservation of property or of the health, safety, life or

limb of some person. The following sounds are deemed unreasonable and a violation of this section:

1. Causing, suffering or allowing any loud, excessive or unusual noise in the operation or use of any radio, television, phonograph or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons located within one hundred (100) or more feet from the point of origin, or in the event the point of origin is within any rooming or housing establishment, public or private, including hotels, motels, residents and the like, shall disturb the comfort, quiet and repose of persons in proximity to such point, even if within such one hundred (100) foot distance.
2. Operating or causing to be used or operated in or upon any public street, or from any aircraft, any device, apparatus or instrument to amplify human voice or any sound or noise, or other sound-making or reproducing device, in such fashion that the sound from such device is heard outside of the vehicle or aircraft. It is provided, however, that such restrictions shall not apply to the production sounds of any nature produced incidental to the operation of any authorized emergency vehicle or to the use of sound producing equipment authorized pursuant to Wisconsin Statutes.
3. It is a violation of this section for any person, once contacted by a police officer or other village official, of unreasonable noise, to fail to bring the property into compliance with this section. Failure to maintain compliance after receiving a warning, or citation, shall constitute a separate offense.
4. It is a violation of this section for any person to operate speakers or amplified music at or near any door, window or other opening of the establishment or in any other location outside an enclosed building during prohibited hours which causes a sound pressure level of seventy-two (72) dBA measured at the property line.
5. It is a violation of this section to create or allow the creation of noise with a sound pressure level of seventy-two (72) dBA measured at the property line, or in the case of a hotel, motel, condominium or multi-family building, the entryway of the separate unit, where the noise originates.

B. It shall not be a violation of this section if the sound level as measured in accordance with the provisions of code section 32.05 and 32.06 (A) (5) is below seventy-two (72) dBA.

32.07 Commercial Noise Limitations. Between the hours of 11:00 p.m. and 7:00 a.m. on evenings Monday through Friday morning, and between the hours of 12:00 a.m. and 7:00 a.m. on Saturday and Sunday mornings, the sound emitted from any commercial source of stationary noise shall not exceed seventy-two (72) dB A sound pressure level at any point outside of the property line of the source of the stationary noise. No person shall operate or permit the operation of any equipment used in construction work between the hours of 10:00 p.m. and 7:00 a.m. of the following day in such a manner as to unreasonably interfere with the peace, comfort, and quality of life of neighboring persons of ordinary sensibilities.

32.08 Noise emitted from motor vehicle. It shall be unlawful for any person to operate a motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal.

32.09 Sound Producing or Amplification Devices in motor vehicles.

A. Except as provided in sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible from a distance of twenty-five (25) or more feet.

B. This section does not apply to any of the following:

1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
2. The operator of a vehicle of a public utility, as defined in sec. 196.01(5), Wis. Stats.
3. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
4. The activation of a theft alarm signal device.
5. The operator of a vehicle that is being used for non-commercial public announcements.

32.10 Penalties.

A. Any person violating any provision of s. 32.06 of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense and for each day or portion thereof for a continuing or recurring offense. Any person who has been previously convicted of a violation of this ordinance in the twelve (12) months preceding the instant offense shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Any person who has been previously convicted of two (2) or more violations of this ordinance in the twelve (12) months preceding the instant offense shall be subject to a forfeiture of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).

B. Any person violating any provision of s. 32.07 of this ordinance shall be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense and for each day or portion thereof for a continuing or recurring offense. Any person who has been previously convicted of a violation of this ordinance in the twelve (12) months preceding the instant offense shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Any person who has been previously convicted of two (2) or more violations of this ordinance in the twelve (12) months preceding the instant offense shall be subject to a forfeiture of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).

C. Any owner, operator, or agent having control over the subject equipment violating sections 32.08-09 of the Village Municipal Code shall, for the first violation, be subject to a forfeiture of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00); for the second violation, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00); and for the third and subsequent

violations, be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

D. The penalty shall double for a repeated violation of the same section of this Chapter within a twelve (12) hour period.

32.12 Severability. If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.