

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 9, SERIES OF 2012**

**AN ORDINANCE AMENDING CHAPTER 30 OFFENSES -
ARTICLE II – OFFENSES AGAINST PUBLIC SAFETY AND PEACE SECTION 27
LOUD AND UNNECESSARY NOISE PROHIBTED OF THE VILLAGE OF
LITTLE CHUTE MUNICIPAL CODE**

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section I. Chapter 30, Article II, Section 27 of the Village of Little Chute Code of Ordinances is hereby amended as follows.

Sec. 30-27. - Loud and unnecessary noise prohibited.

- (a) *Generally.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) *Excessive sounds.* The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
 - (1) *Horns, signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the village for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
 - (2) *Radios, phonographs, similar devices.* The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be *prima facie* evidence of a violation of this section.
 - (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or reproducing of sound which is cast upon the public streets for

the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.

- (4) *Animals, birds.* The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper village authorities.
- (6) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Construction or repair of buildings.* The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile-driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the chief of police shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. and 7:00 a.m.
- (8) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (9) *The causing of vibrations from excessive sound generation.* The creation of sound waves of such frequency and/or decibel levels that the sound causes vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence, which would unreasonably disturb or unduly annoy occupants with normal sensitivities during normal use, detectable by either visual observation or by secondary audible noise emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence.
- (9) (10) *Compression brakes.* No person shall use motor vehicle brakes within the village limits of the village which are in any way activated or operated by the

compression of the engine of such motor vehicle or any unit or part thereof. There shall be an affirmative defense to prosecution under this section that the compression brakes were applied in an emergency situation requiring their use and there being no other way to stop.

(c) *Exceptions.* The provisions of this section shall not apply to:

- (1) Any vehicle of the village while engaged in necessary public business.
- (2) Excavations or repairs of streets or other public construction by or on behalf of the village, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- (1) Operations of emergency equipment shall be exempt from this section. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.
- (2) Snowblowers not operated on a commercial basis shall be exempt from this section when used to gain access to a Village street.
- (3) Any vehicle of the Village while engaged in necessary public business.
- (4) Construction, excavation, repairs, or maintenance of streets or other public improvements by or on behalf of the Village, county or state at night when public welfare and convenience renders it reasonably necessary to perform such work during the day.
- (5) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
- (6) Construction, excavation, or repairs to privately owned buildings and structures, of a temporary nature, resulting from the operation of machinery and/or equipment reasonably necessary to perform such work during the day.
- (7) Any event conducted pursuant to either a permit or other approval granted by the Village.

(d) *Stationary noise and vibration limits*

- (1) Maximum permissible sound levels and vibration limits

a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

Zone	Noise Rating - Daytime	Noise Rating - Nighttime
Residential	70 db	60 db
Commercial	70 db	70 db
Industrial	75 db	75 db

b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by five decibels in any octave band to be designated excessive.

c. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection d(1)(a) above if the subject noise consists primarily of a pure tone or if it is impulsive in character.

d. Vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence, which would unreasonably disturb or unduly annoy occupants with normal sensitivities during normal use, detectable by either visual observation or by secondary audible noise emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence between the hours of 9:00pm and 7:00am.

(2) Construction noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 10:00 p.m., provided that said equipment does not exceed a maximum sound level of 80 db(a) measured at the property line of the location at which said equipment is in use.

(3) Noise in residential districts. In residential zones, the person in violation of this section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.

(4) Operation of certain equipment. Lawn mowers, chainsaws, powered garden equipment, electric insect-killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours

between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.

(e) Methods of measuring noise and/or methods of detecting vibrations.

- (1) Equipment. Noise measurements, with the exception of physical vibrations caused by sound, shall be made with a sound level meter.
- (2) Location of noise meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions and all other sound-reflective surfaces.
- (3) Vibrations. Unreasonably disturbing or unduly annoying physical vibrations caused by sound which are in violation of this section shall be determined by personal physical observation of the occupants of the residence but shall be deemed violations only if verified by personal physical observation of a Village police officer, building inspector, or other Village official who has been granted access to the residence, by the occupants, to verify that the vibrations levels prohibited in this section are occurring.

(f) Appeals. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this section for existing industries.

(g) Permit for amplifying devices.

- (1) *Required.* The use of loudspeakers or amplifying devices on the streets or in the parks of the village is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the chief of police or the director of parks and recreation.
- (2) *Grounds or reasons for denial or allowance.* The chief of police, director of parks and recreation, or their designee shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- (3) *Time restrictions.* No permit shall be issued to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. unless special permission is granted by the village board. No permit shall be granted

to or continued for anyone who, in the opinion of the chief of police or the director of parks and recreation, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III: Effective Date. This Ordinance shall become effective on the date of passage and publication or posting.

Date introduced, approved, and adopted: September 19, 2012

VILLAGE OF LITTLE CHUTE

By:

Michael R. Vanden Berg, Village President

Attest:

Vicki Schneider, Village Clerk