

STATE OF WISCONSIN WAUKESHA COUNTY VILLAGE OF EAGLE
ORDINANCE #218

An Ordinance to Amend Chapter 15 ORDERLY CONDUCT of the Municipal Code

The Village Board of the Village of Eagle do ordain as follows:

Chapter 15 ORDERLY CONDUCT, section 15.02 (2) NOISE of the Village of Eagle Municipal Code is to be replaced with the following section 15.02 (2) LOUD AND UNNECESSARY NOISE PROHIBITED and shall read as follows:

SECTION: 15.02 (2) LOUD AND UNNECESSARY NOISE PROHIBITED

The intent of this chapter is to control noise sources to protect public health and welfare and to allow peaceful enjoyment of property.

DEFINITIONS

- (A) Dba means the abbreviation for the sound level in decibels determined by the a-weighting network of a sound meter or by a calculation from octave band or one-third octave band data.
- (B) "Daytime hours" means 7:00 a.m. to 10:00 p.m. local time.
- (C) "Nighttime hours" means 10:00 p.m. to 7:00 a.m. local time.
- (D) "Source" means any person or property, real or personal, contributing to noise pollution.
- (E) "Measurement" of noise levels shall be conducted at the property line of the complaining party's residence, the residence they are responsible for or business.
- (F) "Zoning district" means an area within the Village within which certain uniform regulations or requirements apply under Village of Eagle Zoning Ordinance (Chapter 9). For the purposes of this chapter, zoning districts shall be classified as follows:
 - (1) "Business" means zones B1, B2, P1, and I1
 - (2) "Industrial" means zones M1
 - (3) "Residential" means RS1, RS2, RS3, RD1, A2, RM1 and B1A
- (G) "Event" means a planned public or social occasion not lasting more than three (3) consecutive calendar days.

GENERAL RULES

- (H) LOUD AND UNNECESSARY NOISE PROHIBITED. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (I) TYPES OF LOUD AND UNNECESSARY NOISES. 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 (5) 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 devices and the sounding of any plainly audible device for any unnecessary and unreasonable period of time; the use of any horn, whistle or other device operated by an engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) Animals, birds. The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
- (3) Construction or repair of buildings or structures. The erection (including excavation), demolition, alteration or repair of any building or structure involving equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 9:00 p.m.; provided, however, the Clerk 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 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 9:00 p.m. and 7:00 a.m.
- (4) 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 the 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.
- (5) The provisions of this section shall not apply to:
 - (a) Any vehicle of the Village while engaged in necessary public business.
 - (b) Excavations or repairs of streets or other public construction by or on behalf of the Village, County or State at night when the public welfare and convenience renders it impossible to perform such work during the day.
- (6) It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise. Noise shall be considered unreasonable when it disturbs, injures or endangers the health safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and a public nuisance.

(J) STATIONARY NOISE LIMITS

- (1) Maximum permission Sound Levels
 - (a) Noise from a stationary source shall not exceed the following levels measured at the property line:

<u>Zone</u>	<u>Noise Rating Daytime</u>	<u>Noise Rating Nighttime</u>
Residential	77	60
Business	77	60
Industrial	79	79
- (2) Construction Noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 9:00 p.m. provided that said equipment does not exceed a maximum sound pressure level of 80 Dba measured at the property line of the location at which said equipment is in use or from the source if in public rights of way or other public venues.

- (3) Noise in Residential Districts. In residential zones, the person in violation of this section shall be ordered to reduce the sound pressure to an acceptable level immediately by the monitoring officer.
- (4) Exemptions. Operation of emergency equipment shall be exempt from this chapter. Snow blowers shall be exempt from this chapter when used to gain access to a Village street. 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.
- (5) Methods of Measuring Noise.
 - (a) Equipment. Noise measurement shall be made with a sound level meter.
 - (b) 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 (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
 - (c) The equipment necessary to measure sound shall reside within the Village of Eagle Police Department and must be calibrated every six (6) months.
 - (d) A police officer, or other designated enforcement official of the Village, may, if he or she has reasonable suspicion to believe a violation of this ordinance, based on first impression is being committed in his or her presence, view or hearing, issue a municipal citation.
 - (e) A noise that exceeds the rating allowed must exceed the dba permitted for more than five (5) seconds within a one (1) minute period to be in violation of this ordinance.

PENALTIES

The penalty for violation of section 15.02 (2) (noise) can be found under sections 30.04 (violations) together with the Village's cost or prosecution including actual attorney fees. Each day that the violation continues shall be considered a separate offense and therefore forfeiture may be imposed for each day the violation continues.

EXEMPTIONS

- (a) The provisions of this chapter do not apply to devices used solely for the purpose of warning, protecting or alerting the public, or some segment thereof, of the existence of an emergency or hazardous situation.
- (b) This provision of this chapter does not apply to the following:
 - (1) Household tools and portable appliances in normal usage between the hours of 7:00 a.m. and 9:00 p.m.
 - (2) Lawn care and snow removable equipment, when used in accordance with manufacture's specifications;
 - (3) Motor vehicles on public roads, exclusive of electronically produced noise;
 - (4) Emergency operations;
 - (5) Rapid rail transit vehicles and railroads;

- (6) Air conditioning or heat pump equipment used to heat or cool housing on residential property.

SPECIAL EVENT PERMIT

In ordinance 217 a request may be made to the Village Board for a permit to allow for the standards as provided to be exceeded within the limitation of said permit. In issuing the permit the Board shall consider the type of sound, the proximity of the source of the sound to neighbors and surrounding properties, the time of day when the noise will be generated, whether reasonable steps to direct the sound away from neighboring properties has been made and/or reasonable steps have been taken to contain the sound have been made. The noise level under this permit shall not exceed eighty (80) dba.

The Special Event Permit may be approved by the Village Board no more than four (4) times in one (1) calendar year per applicant/property activity or event. The Special Event Permit must be submitted to the Village of Eagle Office one week prior to the next scheduled board meeting for their review. The permit is pending board approval.

Passed and approved this 10th day of December, 2015.

VILLAGE OF EAGLE

Richard Spurrell, Village President

Attest: _____
Cheri A. Zindars, Clerk/Treasurer