

Chapter 183. ORDERLY CONDUCT

Article XIII. Noise and Vibrations

[Adopted 8-5-1997 by Ord. No. 97-1461 as Sec 10.14 of the 1997 Code]

§ 183-38. Scope.

[Amended 11-4-1997 by Ord. No. 97-1471; 4-9-2003 by Ord. No. 2003-1747]

This article shall apply to all sound and vibration originating within the limits of the City, except as may be subject to Chapter 178, Nuisances, § 178-1, or § 183-49 or any performance standards or conditions required or imposed under the Unified Development Ordinance.

§ 183-39. Definitions.

- A. All terminology used in this article not defined below shall be in conformance with applicable publications of the American National Standard Institute (ANSI) or its successor body.
- B. As used in this article, the following terms shall have the meanings indicated:

AIRBLAST

An airborne shock wave resulting from detonation of explosives.

A-WEIGHTED SOUND LEVEL

The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

DECIBEL (DB)

A unit measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals (20 micronewtons per square meter).

DEPARTMENT

The City Police Department.

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY WORK

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

EQUIVALENT A-WEIGHTED SOUND LEVEL (LEQ)

The constant sound level that in a given situation and time period conveys the same sound energy as the actual time varying A-weighted sound.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical

parameter in a medium with internal forces that cause compression and rare action of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL

The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 - 1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

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 energy.

UNREASONABLE ANNOYANCE

An excessive, repeated noise, action or other disturbance that is not justified by reason.

VIBRATION

An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to given reference point.

§ 183-40. Noise disturbances prohibited.

No person shall make, continue, cause to be made or permit operation of any device on land owned, used or rented by such person, including but not limited to the following:

- A. Radios, television sets, musical instruments and similar device. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
 - (1) In such a manner as to create a noise disturbance across a residential real property boundary.
 - (2) In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a public right-of-way or public space.
 - (3) This subsection shall apply to all motor vehicles and motorcycles, whether or not registered or licensed.
- B. Loudspeakers/public address systems. Using, operating or permitting the operation of any loudspeaker, public address system or similar device, such that the sound therefrom creates a noise disturbance.
- C. Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance.
- D. Construction and tool use. Operating or permitting the operation of any tools or equipment between 9:00 p.m. and 7:00 a.m. the following day such that sound therefrom creates a noise disturbance, except for emergency work of public service utilities. Hours of operation may be extended, except on Sundays, for operations or work under public contracts where the Clerk, upon the request of the City Engineer, deems such extension reasonably necessary under the circumstances. The Clerk may revoke such permission upon twenty-four-hour notice to the general contractor of such work, where the Clerk determines the benefits to the community by such extension are outweighed by the noise disturbance created thereby.
- E. Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, boat or motorcycle in such a manner as to cause a noise disturbance.
- F. Explosives, firearms and similar devices. Impulsive sound from explosives, firearms and similar

devices shall be regulated solely by the provisions of § ILHR 7.64, Wis. Adm. Code, as amended from time to time, hereby adopted by reference, exclusive of provisions relating to penalties. Any act required to be performed or prohibited by § ILHR 7.64 is required or prohibited by this article.

G. Emergency signaling devices.

- (1) The sounding or permitting the sounding outdoors of any fire, burglar or emergency government alarm, siren, whistle or similar signaling device such that the sound therefrom creates a noise disturbance, except for actual emergency purposes.
- (2) Testing a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

H. Noise limits for vehicles in use. No person may operate or permit the operation of a motor vehicle on a public right-of-way within the City under any conditions of grade, load, acceleration or deceleration in a manner which exceeds the sound level limits specified in the following table for the category of vehicle at the posted or advisory speed:

Maximum Motor Vehicle Permissible Sound Levels, dBA Highway Operations

Vehicle Class	Speed Limit	
	35 mph or less	Above 35 mph
All motor vehicles or combination vehicles having a Gross Vehicle Weight Rating or Gross Combined Weight Rating of less than 10,000 pounds, including passenger motor vehicles, amphibious craft on land and dune buggies	72	79
All motor vehicles or combination motor vehicles having a Gross Vehicle Weight Rating or Gross Combined Weight Rating of 10,000 pounds or greater	86	90
Motorcycles	78	87

I. Motor vehicle racing.

- (1) No person may operate, permit the operation of or own or control land upon which is operated a motor vehicle engaged in a race in excess of the following:
 - (a) For the year 1988: 105 dBA.
 - (b) For the year 1989: 103 dBA.
 - (c) For the year 1990 and after: 95 dBA.
- (2) The sound level shall be measured 50 feet from the noise source.

J. Prohibited. Except as specifically set forth in Subsections **A** through **I** above, no person shall make, continue, cause to be made or permit the operation of any device on land owned, used or rented by such person which device makes or causes a noise disturbance.

§ 183-41. Noise regulated.

A. Permit required.

- (1) No person shall operate, permit the operation or allow his or her property to be used for such operation of anything which makes or causes a sound at a level between 70 dBA and 79 dBA as measured at the real property boundary of the noise source or beyond 50 feet from the noise source when operated in a public space without a permit, except as otherwise provided in § 183-40F, H and I and Subsection B of this section.
- (2) Such permits shall be issued by the City Council annually upon payment of a fee of \$75 and application stating the name of the applicant, the address where the sound will be made, anticipated dates and times of operation and what technologically reasonable steps to minimize the noise have been taken. Permits may be conditioned upon the applicant taking technologically reasonable steps to minimize the noise.
- (3) Any person creating or allowing such sound without a permit shall pay double the permit fee in addition to any other penalties authorized by this article.

B. Variances for community events.

- (1) The City Council may issue variances for single events which create noise from 80 dB to 89 dB measured at the real property boundary or 50 feet from the source if the noise originates on public space consisting of special public events, such as parades, Fourth of July celebrations, St. Martins' Fair, school band playing and similar public, community events which are limited in duration. The variances may limit the hours and duration of the variance and may be conditioned upon the applicant taking technologically reasonable steps to minimize the noise.
- (2) The variance may be granted upon payment of a fee of \$100 and application stating the name of the applicant, address of the event, date and times of operation, what technologically reasonable steps will be taken to minimize the noise and a noise impact statement. The contents of the noise impact statement shall be determined by the City Clerk. The City Council may waive the fee for events sponsored by nonprofit organizations or government.

§ 183-42. Vibrations regulated.

- A. Except as otherwise specifically provided in this article, the provisions of Ch. ILHR 7, Wis. Adm. Code, as amended from time to time, are hereby adopted by reference and made a part of this article as though fully set forth herein, exclusive of provisions relating to penalties. Any act required to be performed or prohibited by Ch. ILHR 7 is required or prohibited by this article.
- B. In addition to preblast notice required by Ch. ILHR 7, Wis. Adm. Code, the contractor shall notify the Department in advance of all blasting.

§ 183-43. Emergency exception.

The provisions of this article shall not apply to 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.

§ 183-44. Remedies.

- A. Immediate threats to health and welfare. The Department shall order an immediate halt to any sound which exposes any person to continuous sound levels in excess of those shown in Table I below or to impulsive sound levels in excess of those shown in Table II below. Within 10 days

following issuance of such an order, the City shall apply to the appropriate court for an injunction to replace the order.

Table I

Continuous Sound Levels Which Pose an Immediate Threat to Health and Welfare (measured at 50 feet or 15 meters) *Editor's Note: Use equal energy time-intensity tradeoff if level varies; find energy equivalent over 24 hours.*

Sound Level Limit (dBA)	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

Table II

Impulsive Sound Levels Which Pose an Immediate Threat to Health and Welfare (measured at 50 feet or 15 meters)

Sound Level dBA	Number of Repetitions Per Twenty-Four-Hour Period
145	1
135	10
125	100

B. Citizen suits.

- (1) Any person may commence a civil action on his or her own behalf against any person who is alleged to be in violation of any provision of this article. The circuit court shall have jurisdiction to grant such relief as it deems necessary.
- (2) In any action under this article, the City may intervene as a matter of right.
- (3) Other. No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy of any person for injury or damage arising from any violation of this article or from other law.

§ 183-45. Enforcement.

- A. Administration. The noise control program established by this article shall be administered by the City Police Department.

- B. Powers of the Department. In order to implement and enforce this article and for the general purpose of sound and vibration abatement and control, the Department shall have, in addition to any other authority vested in it, the power to:
- (1) Inspect. Stop any motor vehicle or motorcycle operated on a public right-of-way, public space or private property open to the public, reasonably suspected of violating any provision of this article, and require the motor vehicle or motorcycle to be inspected or tested as the officer may reasonably require; enter and inspect any place open to the public during the hours when it is open to the public without consent and without a warrant; and enter and inspect any private property or place with consent or with a warrant.
 - (2) Records. Require the owner or operator of any commercial or industrial activity to establish and maintain records and make such reports that the Department may reasonably prescribe.
 - (3) Measurements by the owner or operator. Require the owner or operator of any commercial or industrial activity to measure the sound level of or the vibration from any source in accordance with the methods and procedures and at such locations and times as the Department may reasonably prescribe and to furnish reports of the results of such measurements to the Department. The Department may require the measurements to be conducted in the presence of its enforcement officials.
 - (4) Impound. Seize and hold any motor vehicle or motorcycle reasonably believed to be useful as evidence.
 - (5) Investigate and pursue violations. Investigate and pursue possible violations of this article, including issuance of citations.
 - (6) Delegate authority. Delegate functions, where appropriate under this article, to other agencies or departments within the City.

§ 183-46. Violations and penalties.

- A. Any person who violates any provision of this article shall be subject to a penalty as provided in § 183-79 of this chapter.
- B. Each motor vehicle or motorcycle permitted to be operated in a single space at one time shall constitute a separate offense. *Editor's Note: Original Section 10.15, False Alarms Prohibited, which immediately followed this subsection, was repealed 12-15-1998 by Ord. No. 98-1526. See Ch. 76, Alarms.*