

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 5.13 OF
THE TOWN OF MOSEL MUNICIPAL CODE
REGARDING NOISE REGULATIONS**

WHEREAS, the Town of Mosel Board of Supervisors is authorized to enact general regulations to promote the public health, safety and general welfare of the Town and its residents, pursuant to Wisconsin Statute §§ 60.10(2)(c), 60.22(3) and 61.34; and

WHEREAS, the Town Board, pursuant to its above-referenced policy powers, desires to regulate the amount and volume of noise in the Town;

NOW, THEREFORE, the Town Board of the Town of Mosel, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Creating Code Section. Section 5.13 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

"5.13 NOISE REGULATIONS

A. Definitions.

(1) American National Standards Institute ("ANSI") Definitions Adopted. All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" which is adopted and incorporated herein by reference.

(2) Additional Definitions.

1. "Daytime Hours" shall mean the time from 8:00 A.M. to 6:00 P.M.
2. "Light Motor Vehicle" shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
3. "Nighttime Hours" shall mean the time from 6:00 P.M. to 8:00 A.M.

B. Limitations.

(1) General Limitation. No person shall cause, allow or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof.

(2) **Specific Limitation.** No person shall cause, allow or assist in making a noise level, as measured from a property boundary, to exceed the following:

Octave Band Frequency (Hz.)	Daytime Maximum Sound Levels (decibels)	Nighttime Maximum Sound Levels (decibels)
31.5	96 dB	86 dB
63	82 dB	71 dB
125	74 dB	61 dB
250	67 dB	53 dB
500	63 dB	48 dB
1000	60 dB	45 dB
2000	57 dB	42 dB
4000	55 dB	40 dB
8000	53 dB	38 dB

(3) **Light Motor Vehicle Limitation.** No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dB as measured from at least fifteen (15) feet from the vehicle in an area open to the public.

(4) **Electrical Sound Amplification.** During nighttime hours, no person may operate a radio or electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the boundary of the property from which the sound is emanating.

C. Measurement. Measurement of sound pressure pursuant to this section shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 – 1983) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 – 1984) or any successor nationally adopted standards.

D. Exemptions. The following activities shall be exempt from the noise regulations of this section provided that reasonable steps are taken to minimize the noise emitted:

(1) **Construction Sites, Demolition Sites and Public Utilities.** Construction sites, demolition sites and public utilities during daytime hours Monday through Saturday; however, the noise therefrom shall be minimized through proper equipment operations and maintenance. Stationary equipment on construction or demolition projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(2) **Emergency Operations.** Emergency short-term operations necessary to protect the health and welfare of the citizens, to warn against unsafe conditions, or otherwise required by law.

(3) **Power Equipment.** Operation of lawn, garden and snow removal power equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(4) **Agricultural Activities.** Seasonal agricultural activities including planting, cultivating, fertilizing and harvesting, provided the noise therefrom is minimized through proper equipment operations and maintenance.

E. Special Variance Permits.

(1) **General.** A special variance permit to exceed the noise limitations of this section may be issued for an event or circumstance of limited duration, including special community events.

(2) **Application.** Any person seeking a special variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Issuance.** The Town Board may grant a special variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning all necessary conditions, including time limits on the permitted activity. Noncompliance with any permit condition shall be cause for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

F. Conditional Variance Permits.

(1) **General.** A conditional variance permit may be issued for ongoing or recurring sources of sound which do not comply with the standards of this section for technical or economic reasons.

(2) **Application.** Any person seeking a conditional variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Hearing.** The Town Board shall conduct a public hearing on the application, preceded by a Class 1 notice. The applicant may be required to submit such additional information as the Board reasonably requires.

(4) **Issuance.** The Town Board may grant a conditional variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning

all necessary conditions. Noncompliance with any permit condition shall be grounds for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

G. Penalties; Enforcement.

(1) **First Offense.** A violation of this section shall be punishable by a forfeiture of \$100, plus costs.

(2) **Subsequent Offenses.** Subsequent violations of this section within a 30 day period shall be punishable by a forfeiture of \$250 (plus costs) for the second offense and \$500 (plus costs) for each further offense.

(3) **Enforcement.** Any 60 minute period during which the maximum sound levels allowed by this section are exceeded shall constitute a separate offense. For repeated or egregious violations, the Town may seek equitable relief to enjoin future violations."

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after its publication or posting.

Enacted: Nov 16, 2016.

TOWN OF MOSEL

By: Dirk Zylman
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: Nov 16, 2016

Sue Born
Sue Born, Town Clerk/Treasurer

Posted on Nov 22, 2, 2016 by Sue Born