

ORDINANCE NO. 69-2019

**AN ORDINANCE TO REPEAL SECTION 18-5(6) OF THE
CODE OF THE VILLAGE OF SUMMIT RELATING TO THE UNNECESSARY
NOISES, AND CREATE SECTION 18-6**

THE VILLAGE BOARD OF THE VILLAGE OF SUMMIT, WAUKESHA COUNTY,
WISCONSIN DO ORDAIN AS FOLLOWS:

SECTION 1: Section 18-6 of the Code of the Village of Summit relating to the Loud and Unnecessary Noise Prohibited is hereby created to read as follows:

SECTION: 18-6 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 Summit Zoning Ordinance (Chapter 111). For the purposes of this chapter, zoning districts shall be classified as follows:
 - (1) "Commercial" means zones NC and MU
 - (2) "Industrial" means zone BP
 - (3) "Residential" means R1, R2, R3, R4, MF1, and MF2
 - (4) "Institutional" means IN
- (G) "Special Event" means a planned public or social occasion permitted by the Village Board.

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) **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 7:00 p.m.; provided, however, the Village Building Inspector 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 7:00 p.m. and 7:00 a.m.
 - (3) **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.
 - (4) **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.
 - (5) **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
Commercial	77	60
Institutional	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 7:00 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 Summit Police Department and must be calibrated every year.
- (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 18-6 (noise) can be found under section 20-2 (deposit schedule) 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) Air conditioning or heat pump equipment used to heat or cool housing on residential property.

SPECIAL EVENT PERMIT

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.

A Special Event Permit requires approval by the Village Board. The Special Event Permit must be submitted to the Village of Summit Office one week prior to the next scheduled board meeting for their review.

SECTION 2: SEVERABILITY. The section of this Ordinance is declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and posting/publication as provided by law.

This Ordinance passed this 11 day of July, 2019.

VILLAGE OF SUMMIT

By: [Signature]
Jack Riley, Village President

Attest: [Signature]
Debra J. Michael, Village Administrator



Published/Posted the 12 day of July 2019.

This is to certify that this is a true and accurate copy of the Ordinance #69-2019.

[Signature]
Debra J. Michael, Village Administrator