

VILLAGE OF IOLA
ORDINANCE NO.: _____
CHAPTER 180: NOISE

§ 180-1. Loud and unnecessary noise prohibited. (Amended 2-12-1996 by Res. No. 96-7).

- A. Loud and unnecessary noise prohibited. No person shall make or cause to be made, any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

- B. 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 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 permitted 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 11:00 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, loudspeaker, sound amplifier or other machine or device for the producing 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 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 stationery 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 muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of building. The erection (including excavation), demolition, alteration or repair of any building, as well as 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, that the 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 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. to 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 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 public welfare and convenience renders it impossible to perform such work during the day.
 - (c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
 - (d) 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 5 db in any octave band to be designated excessive.
 - (e) Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection C(1)(a) above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

C. Lot Line Noise Regulation.

- (a) The following noise limitations are established for any premises, measured at the lot line;

- (1) Maximum Levels Within Zones. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in tables I and II.

Table I
Maximum Permissible Sound Pressure – 7:00 A.M.- 10:00 P.M.

	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
A-scale Level	57 dB(A)	63 dB(A)	72 dB(A)

(Levels in Decibels re .0002 Microbars)

Table II
Maximum Permissible Sound Pressure – 10:00 P.M. – 7:00 A.M.

	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
A-scale Level	52 dB(A)	58 dB(A)	67 dB(A)

(Levels in Decibels re .002 Microbars)

- (2) Maximum Levels Between Zones. No person shall operate or cause to be operated on private or public property any source of sound from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone which exceeds the limits set for the zone categories in tables III and IV.

Table III
Maximum Permissible Sound Pressure - 7:00 A.M. – 10:00 P.M.

	<u>Industrial Into Commercial</u>	<u>Industrial Into Residential</u>	<u>Commercial Into Residential</u>
A-scale Level	66 dB(A)	64 dB(A)	61 dB(A)

(Levels in Decibels re .0002 Microbars)

Table IV
Maximum Permissible Sound Pressure - 10:00 P.M. – 7:00 A.M.

	<u>Industrial Into Commercial</u>	<u>Industrial Into Residential</u>	<u>Commercial Into Residential</u>
A-scale Level	61 dB(A)	60 dB(A)	55 dB(A)

(Levels in Decibels re .0002 Microbars)

- (b) Definitions of Zone Categories. The following zones are included in the zone categories:
 - (1) Residential: R-1, R-2, R-3 and R-4 zoning classifications;
 - (2) Commercial: B-2, B-2, B-3, Highway 41 Business Corridor Districts A and B, and C-EO Districts zoning classifications;
 - (3) Industrial: I-1, I-2, I-3, I-B-1 and I-B-2 zoning classifications.

Regulation will be according to the underlying zones. Conservancy zones that are not publicly owned shall be regulated according to the adjacent zone. If the neighboring zones are different, they shall be extended to the center of the conservancy for the purposes of this article.

- (c) Measurements. The measurement shall be made at or beyond the property line of the property on which such noises is generated or at or within the property line of the property yon which such noise is perceived, as appropriate. Measurement shall be done at a minimum height of four feet above the ground> The measurement of sound 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 – 1971) or with an octave band analyzer that meets or exceeds the requirements of (ANSI S1.6 – 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order. When a sound level meter is used, it shall be set to the A-weighted scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth above. An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations.
- (d) Residential Air Conditioners. Noise emitted by residential air conditioners shall be judged by the criteria set forth above.
- (e) Ambient Noise is a Factor. The subject noise must exceed the ambient noise by five dB or more, in any octave band, to be declared excessive.
- (f) Exemptions. The provisions of this section shall not apply to:
 - (1) Activities covered by the variance and exemption sections of this article.
 - (2) The activities expressly covered under other provisions of this chapter.
 - (3) Nonstationary farming equipment.

- D. Construction Noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. and 7:00 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.
- E. 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.
- F. Operation of certain equipment. Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices and other nonconstruction 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.
- G. Exemptions. Operations of emergency equipment shall be exempt from this chapter. Snowblowers not operated on a commercial basis 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.
- H. 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 chapter for existing industries.
- I. Permits for Live Entertainment.
 - 1. Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks or in tents or in the open air of the Village of Iola is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
 - 2. Annual Permit. Application for an annual permit to comply with this section shall be made in writing, directed to the Village Board, filed in the Village Clerk's office and shall be accompanied by a license fee of \$50.00.

Licenses granted under this section shall be issued for the period beginning on Memorial Day weekend and ending at the end of Labor Day weekend. Licenses are nontransferable.

Application for an annual permit for live entertainment may be made by petition signed by the owner or tenants of the premises for which a permit is sought, directed to the Village Clerk and accompanied by a license fee of \$50.00. Such license shall be granted by the Village Board in case a majority of the same vote in favor thereof and shall be denied otherwise, if a license is denied, the applicant may appeal the application to the next session of the Board. All such permits shall expire on December 31; such permits are nontransferable.

3. Grounds or reasons for denial or allowance. The Chief of Police shall have the authority to revoke such permit when he or she 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.
4. Time restrictions. The Village shall not grant a permit to use a loudspeaker or amplifying device before the hours of 7:00 a.m. or after 11:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

§180-2. Violations and Penalties; Attempt; Parties to Acts.

- A. Enforcement of the provisions of this Chapter shall be the duty of the Police Department.
- B. Penalty. Violations of the unnecessary noise ordinance shall be subject to the following progressive disciplinary actions during the:

- 1st warning – verbal, reduce the volume
- 2nd warning – written reduce the volume
- 3rd warning – possible revocation of the music permit for the remainder of the current year or more

In addition to the general penalty provisions of this Code in Chapter 1, General Provisions, 1-17, or any other penalty imposed for violation of any section of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Chapter 180 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this chapter to the District Attorney's office in interest of justice.

- C. Attempt.
 - (1) Whoever attempts to commit an act prohibited by this chapter of the Code of Ordinances of the Village of Iola may be required to forfeit amounts not to exceed 1/2 the maximum penalty for the completed act.
 - (2) An attempt to commit an act prohibited by the ordinances in this Code requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he or she does acts toward the commission of the violation which demonstrate unequivocally, under all the circumstances, that he or she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.
- D. Parties to Acts Prohibited in this Chapter.
 - (1) Whoever is concerned in the commission of an act prohibited by this chapter of this Code of Ordinances is a principal and may be charged with and convicted of the commission of said act although he or she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
 - (2) A person is concerned in the commission of an act prohibited by these ordinances if he:
 - (a) Directly commits the act; or

- (b) Intentionally aids and abets the commission of it; or
- (c) Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of this/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

Approved by a vote of _____ in favor and _____ opposed.

Dated: _____, 2022.

VILLAGE OF IOLA

BY: _____
Jennifer Schustek, Village President

BY: _____
Betty Aanstad, Village Clerk

Attest: _____

Adopted: _____

Approved: _____