

Chapter 42 NOISE CONTROL

ARTICLE I.

Sec. 42-1. Title.

This chapter shall be known as the "Town of Somerset Noise Control Ordinance."

Sec. 42-2. Authority.

(a) This chapter is adopted under the statutory authority granted pursuant to the town powers and to Wis. Stats. §§ 60.10(2)(c), 60.22(3), 61.34(1), 236.03, and 236.45.

(b) Any amendments, repeals or recreations of the statutes relating to this chapter are incorporated into this chapter by reference as of the effective date of the amendment, repeal or recreation.

Sec. 42-3. Purpose.

It is hereby declared to be the policy of the Town of Somerset to safeguard the right of its residents within the privacy of their homes to be free from intrusive unwanted sounds. Problems concerning disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve the remaining problems of noise which is disturbing to others, it is the policy of enforcement procedures and penalties.

Sec. 42-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DECIBEL (DB)

A unit for measuring the volume of sound, equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of 20 micronewtons per square meter.

DOMESTIC TOOLS

Hand tools or power tools or equipment, including but not limited to saws, hammers, sanders, drills, grinders, lawn or similar devices or woodchippers of any kind, log splitters or pneumatic operated tools.

HOLIDAYS

New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Yom Kippur, Thanksgiving Day, Christmas.

SOUND LEVEL

The sound pressure level measured in decibels with a sound level meter set to A weighting expressed in dBA.

SOUND LEVEL METER

An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI specifications S1.4-1971 or the latest approved revision thereof.

SOUND REPRODUCTION DEVICE

Any electronic or electrical device that is used for the production of sound, including but not limited to any loudspeaker, radio, television, tape recorder, phonograph or any other sound amplifying equipment.

UNREASONABLY INTRUSIVE

Any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities under the circumstances; a sound reproductive device that raises the ambient level at the property line of a receiver by 10 dB more than 10% of the time during the course of one hour.

VEHICLE REPAIR

Any type of vehicle repair or engine tune up activities.

Sec. 42-5. Noise limitation; method of measurement.

- A. No person shall operate or permit to be operated in the Town of Somerset any sound source that produces a sound level exceeding the limitations in this section. The measurement of any sound or noise shall be made with a sound-level meter using the A weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one second, for which fast response shall be used.
- B. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel in which such noise is generated, except where otherwise specified, and in no case on public or private streets or roads.
- C. When the determination or measurement is made for a dwelling unit of a multi-dwelling unit building as the receiving property, all exterior doors and windows of the dwelling unit shall be closed, and the determination or measurement shall be taken in the center of a room.
- D. No testing shall be allowed with a wind velocity in excess of 12 miles per hour.
- E. The testing location shall take into consideration the positioning of any type of windscreen so that an accurate and realistic testing of noise may be taken.
 1. Customary residential activities. Customary residential activities on residential, agricultural and agricultural/residential properties, including social gatherings, deliveries of residential heating oil or gas and pickup of residential garbage, as well as permitted agricultural activities, shall not be regulated by this chapter, except for specific activities or noise sources that are subject to and governed by §§ **42-6A, B and C** and **42-7A, B and C**.

2. Other activities. Noise produced by other activities on properties shall not exceed 80 dBA during the hours of 8:00 a.m. to 6:00 p.m. and 45 dBA during the hours of 6:00 p.m. to 8:00 a.m., unless otherwise permitted.
- F. The restrictions contained in this subsection shall not be applicable to specific activities or noise sources that are subject to and governed by §§ 42-6A, B and C and 42-7A, B and C.

Sec. 42-6. Prohibited and restricted acts.

- A. Sound reproduction devices.
1. No person shall operate, use or cause to be operated loudspeakers or other reproduction devices so as to produce sounds which are unreasonably intrusive.
 2. Nothing in this subsection is intended to prohibit incidental sounds emanating from public sporting events or public entertainment events.
- B. Burglar alarms. The sound from an exterior burglar alarm of any building or motor vehicle shall terminate 15 minutes after it has been activated.
- C. Animals. It shall be unlawful for any owner of, or any other person harboring any animal to permit or allow such animal, while in the Town of Somerset, to engage in habitual loud howling or barking.
- D. Recreational vehicles. It shall be unlawful to operate any minibike, ATV or other motorized recreational vehicle not licensed for travel on public highways, roads, or streets between the hours of 10:00 p.m. and 8:00 a.m.

Sec. 42-7. Permitted or regulated noises.

- A. Construction activities. Any building or construction activities, including the clearing and removal of trees or other site preparation work, which is audible outside of a building or structure, is permitted only as follows:
1. Monday, Tuesday, Wednesday, Thursday, Friday and Saturday except holidays during the hours of 7:30 a.m. to 8:00 p.m.
 2. Sunday and holidays during the hours of 10:00 a.m. to 5:00 p.m.
 3. Blasting is not permitted on Saturday, Sunday and holidays. Blasting may be permitted by a use variance granted by the Town Board. B. Domestic tools and equipment/vehicle repair.
- B. Noise levels from vehicle repair, domestic tools and equipment, lawn care or landscape services shall not be restricted by this subsection during the hours of 8:00 a.m. to sundown. At all other times such noise levels shall not exceed 45 dBA.
- C. Uses of snowblowers, chainsaws and other domestic tools and equipment are exempted from these limits when they are being used to clear driveways, streets, roads, walkways, etc., during and after snowfalls, rainstorms, ice storms, wind storms or emergencies. C. Industrial District.
1. Any noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity.

Octave Band Frequency (cycles per second)	Decibel Level
20 - 75	65
76 - 150	60
151 - 300	55
301 - 600	46
601 -1,200	40
1,201 -2,400	34
2,401 -4,800	31
Over 4,800	28

Sec. 42-8. Exceptions.

- A. Nothing in this chapter shall be construed to prevent the production of music in connection with any military or civic parade, funeral procession, religious service or farm operations.
- B. Nothing in this chapter shall be construed to prohibit the use of any organ, bell, chimes or any other similar instrument or device by any church, synagogue, or school on or within its own premises, in connection with religious rites or ceremonies of such church or synagogue or in connection with a school education program.
- C. Sounds created by any governmental agency using public warning devices are exempted from the limitations of this chapter.
- D. Sounds created by public utilities in carrying out the operations of their franchise are exempted from the limitations of this chapter.
- E. Sounds connected with sporting events of any public or private school, swim or tennis club, or country club. Any sponsored or permitted special events or sports programs promoted by the Town Board are exempted from the limitations of this chapter.
- F. Sounds created by motor vehicles on public roads are exempted from the limitations of this chapter.
- G. Sounds created by snowmobiles while using county or state snowmobile trails are exempted from the limitations of this chapter.
- H. The lawful taking of wild animals or fowl by means of firearms are exempted from the limitations of this chapter.

Sec. 42-9. Variances.

- A. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Town Board shall have the power in passing upon a petition for a variance duly made by owners of properties with nonresidential uses which would be in violation of other subsections of this chapter, to vary or modify the application of any of the regulations or provisions of this chapter so that

the spirit of the ordinance shall be observed, public health, safety and welfare secured and substantial justice done.

- B. No variation or adjustment in the strict application of any regulations or provisions of this chapter shall be granted by the Town Board unless it finds:
1. That the applicant has demonstrated good and sufficient cause for the granting of a variance. Such demonstration shall be founded upon a fair consideration of the circumstances present pertinent to the petition, including but not limited to:
 - (a) The social utility of the use or activity for which a variance is sought;
 - (b) The nature and degree of observed variance from prescribed standards that results from such use of activity;
 - (c) The impact of such use or activity on other residents and properties; and
 - (d) The nature and cost of available measures that may be taken to mitigate the impact of such use or activity.
 2. That there are unique or special circumstances or conditions, fully described in the findings of the Town Board, applying to the activity or to the use of land, property or facilities for which the variance is sought, which warrant the granting of a variance on the ground of practical difficulty or unnecessary hardship.
 3. That the granting of a variance is necessary to enable the applicant to conduct the activity or use for which a variance is sought without unreasonable burden or restriction, and that the variance as granted by the Town Board is the minimum adjustment that will accomplish such purpose.
 4. That the granting of the variance will be in harmony with the general purposes and intent of this chapter, will not be injurious to the community or any neighborhood or otherwise detrimental to the public health, safety or welfare, and will not be in conflict with other laws or ordinances or inconsistent with the Comprehensive Plan of the Town.
- C. The Town Board in passing upon a petition for a variance under this chapter may limit the effective period of any variance granted and may impose upon the grant or operation of any variance such conditions, in furtherance of the public interest, as the Town Board finds necessary or appropriate.
- D. The Town Board shall retain continuing jurisdiction over and with respect to any variance granted under this chapter, and it shall have the fullest powers and authority allowed by law to review, rehear, modify, reverse, or annul for good cause shown, any order, resolution, decision, or determination made with respect to a petition for, or the granting of, a variance under this chapter. No such review, reconsideration, or action shall be taken except upon and after notice and a hearing pursuant to Town ordinance.
- E. All such appeals shall be in writing, on forms prescribed by the Town Board, and each appeal or application shall refer to the specific provisions of this chapter and shall exactly set forth the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted. Any

petition for a variance shall also identify all practical steps which have been taken or which are proposed to be taken by the applicant to reduce noise.

- F. Notice of hearing. Notice of such public hearing specifying the time, place and matters to come before the Board shall be published as a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, and by giving notice by mail to all parties in interest.
- G. Hearing. The Town Board shall conduct a public hearing on any application made pursuant to this chapter. At such public hearings all those present and wishing to be heard shall be given an opportunity to be heard.
- H. For a period of 90 days after this chapter becomes effective, a properly filed application for variance shall exempt the applicant from the specific provisions of the ordinance from which a variance is being sought, from the date of filing of the application until the Town Board has ruled on the application.
- I. A fee as set from time to time by resolution of the Town Board will be charged for any variance application from this chapter.

Sec. 42-10. Other restrictions.

The provisions of this chapter shall in no case remove or render less restrictive limitations on noise generation or other conditions imposed for specific properties by actions of the Town of Somerset or required under other applicable laws or regulations.

Sec. 42-11. Enforcement.

The provisions of this chapter shall be enforced by the Town of Somerset and/or the Sheriff's Department of St. Croix County.

Sec. 42-12. Violations and penalties.

Any person who violates any provision of this chapter and is found guilty of an offense shall pay a forfeiture not exceeding \$250. Each day that a violation shall continue will constitute a separate offense. Penalties and/or forfeitures in this chapter are also covered in Chapter 24. If there is a conflict between this chapter and Chapter 24, Chapter 24 has precedence.