

§ 302-5 Electric sound amplification.

- A. Nighttime hours (10:00 p.m. to 7:00 a.m.). During nighttime hours, no person may operate a ~~radio, jukebox, or other~~ any electric sound-amplification device emitting sound from any commercial zone or commercial premises that exceeds the maximum permissible sound pressure in Table II (~~section 302-4~~), in a residential zone at a distance of 75 feet beyond the lot line of the property which emits the sound, or at the property line of a residential property which is affected by the sound, whichever is deemed appropriate by the Village given the situation that occurs.
- B. Use on street. No person shall use any ~~loudspeaker sound amplification device~~ on residential streets of the Village except under permit granted by the Village, such as a block party permit issued by the Village, which permit shall have limited hours of use for the ~~loudspeaker sound amplification device~~.
- C. Permits. ~~The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the Village.~~ The Village shall not grant a permit to use a ~~loudspeaker sound amplifier~~ during nighttime hours or to operate such ~~loudspeaker sound amplifier~~ in the vicinity of health facilities, churches while services are being conducted, or schools which are in session. The Village may order a reduction in the volume of such ~~loudspeaker sound amplification~~ on complaint being made by a citizen or when such ~~loudspeaker sound amplification~~ is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

~~**§ 302-10 Permit required; restrictions on operation.**~~

~~The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the Village. A sound amplifier shall not be operated before 9:00 a.m. or after 9:00 p.m. or in the vicinity of churches while services are being conducted or near schools that are in session. The Village may order a reduction in the volume of an amplifier on complaint being made by a citizen, or when such loudspeaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.~~

Village of Allouez, WI
Friday, April 27, 2018

Chapter 302. Noise

[HISTORY: Adopted by the Village Board of the Village of Allouez as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 142.

Animals — See Ch. 151.

Nuisances — See Ch. 307.

Article I. Regulation of Noise

[Adopted as § 31.01 of the Village Code]

§ 302-1. Declaration of findings and policy.

- A. Excessive sound is a serious hazard to the public health and welfare, safety and the quality of life. A substantial body of science and technology exists by which excessive sound may be substantially abated, and Village residents have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life.
- B. It is declared to be the policy of the Village to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

§ 302-2. Scope.

This article shall apply to the control of all noise within the Village of Allouez.

§ 302-3. Definitions.

As used in this article, the following terms shall have the meanings indicated. All acoustical terminology shall be that contained in ANSI (American National Standards Institute or its successor bodies) S1.1, Acoustical Terminology.

A BANK LEVEL

The total sound level of all sound as measured with a sound-level meter using the A-weighted network. The unit of measurement is the dB(A).

DAYTIME HOURS

The hours between 7:00 a.m. and 10:00 p.m.

DECIBEL

A standard unit for measuring sound-pressure levels that is equal to 1/10 of a bel and is a unit of level when the base of the logarithm is the 10th root of 10, and the quantities concerned are proportional to power; abbreviated "dB."

FREQUENCY

The reciprocal of the primitive period of a function periodic in time. The unit is the cycle per unit time and must be specified; typically this unit will be hertz (Hz), i.e., cycles per second.

LIGHT MOTOR VEHICLE

Any automobile, van, motorcycle, motor-driven cycle, motor scooter, or light truck with a gross vehicular weight of less than 8,000 pounds.

NIGHTTIME HOURS

The hours between 10:00 p.m. and 7:00 a.m.

PERSON

Any person, firm, association, copartnership, joint venture, corporation, or any entity public or private in nature.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

REAL PROPERTY BOUNDARY

An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

SOUND

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND ANALYZER

A device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

SOUND-LEVEL METER

An instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound levels in a specified manner.

SOUND-PRESSURE LEVEL

The sound-pressure level, in decibels of sound, is 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

ZONES

The following zones as defined in Chapter 475, Zoning, Allouez Municipal Code, are included in the zone categories:

- A. Residential. "A" Residence District, "B" Residence District, High-Density District, parks, school facilities, governmental office buildings and publicly owned parkways and conservancies are included in this category.^[1]

- B. Commercial. "C" Professional Office and Residence District, High-Rise District, Commercial District, Light Industrial District, and Highway Business Use District are included in this category.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 302-4. Limitations.

- A. 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. The maximum level between commercial and residential shall not exceed three dB(A) over the residential sound-pressure levels either daytime or nighttime.

Table I

**Maximum Permissible Sound Pressure - Daytime Hours
(in decibels)**

Octave Band Center Frequency (Hz)	Residential	Commercial
31.5	70	80
63	69	79
125	64	73
250	58	65
500	52	59
1000	47	53
2000	42	47
4000	38	42
8000	35	40
A-scale levels	57 dB(A)	63 dB(A)

Table II

**Maximum Permissible Sound Pressure - Nighttime Hours
(in decibels)**

Octave Band Center Frequency (Hz)	Residential	Commercial
31.5	69	72
63	68	71
125	62	66
250	54	60
500	48	54
1000	42	49
2000	36	44
4000	31	40
8000	29	37
A-scale levels	52 dB(A)	58 dB(A)

B. Motor vehicle limitation.

- (1) Noise limit of 80 dB(A). It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dB(A) at any location within the corporate limits of the Village. Measurement shall be made at any distance equal to or greater than 15 feet from the closest approach to the vehicle.
- (2) Motor vehicles. Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unreasonably loud noise, smoke or flame, and no person or owner shall operate or allow to be operated a motor vehicle upon the streets of this Village which is not so equipped or which is equipped with a muffler cutout, bypass, or any similar device. A muffler is defined as a device consisting of a series of chambers or other mechanical devices for the purpose of receiving exhaust gases from an internal combustion engine which is designed for the purpose of breaking up the sound tones and the diffusion of smoke and flame emitting therefrom.
- (3) Motorcycles. No person shall, nor shall the owner allow any person to, operate a motorcycle manufactured after December 31, 1982, that is not equipped with an exhaust muffler bearing the federal Environmental Protection Agency (EPA) required labeling applicable to the motorcycle's model year, as set out in the Code of Federal Regulations, Title 40.
- (4) Mufflers. No person shall sell, give away for use upon, install or cause the installation to be made, or use in any licensed motor vehicle operated on a highway in the Village of Allouez any type of muffler or other device that will modify the exhaust system of a motor vehicle in any manner so as to amplify or increase the noise emitted by the motor of such motor vehicle to the point where it becomes excessive or unreasonably loud.

§ 302-5. Electric sound amplification.

- A. Nighttime hours (10:00 p.m. to 7:00 a.m.). During nighttime hours, no person may operate a radio, jukebox, or other electric sound-amplification device emitting sound from any commercial zone or commercial premises that exceeds the maximum permissible sound pressure in Table II in a residential zone at a distance of 75 feet beyond the lot line of the property which emits the sound, or at the property line of a residential property which is affected by the sound, whichever is deemed appropriate by the Village given the situation that occurs.
- B. Use on street. No person shall use any loudspeaker on residential streets of the Village except under permit granted by the Village, such as a block party permit issued by the Village, which permit shall have limited hours of use for the loudspeaker.
- C. Permits. The Village shall not grant a permit to use a loudspeaker during nighttime hours or to operate such loudspeaker in the vicinity of health facilities, churches while services are being conducted, or schools which are in session. The Village may order a reduction in the volume of such loudspeaker on complaint being made by a citizen or when such loudspeaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

§ 302-6. Measurement.

- A. Measurement location. The measurement shall be made at or beyond the property on which such noise is generated or at or within the property line of the property on which such noise is

perceived, as appropriate. Measurement shall be done at a minimum height of four feet above the ground.

- B. Sound measurement. When required pursuant to this article, measurement of sound pressure 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 and operated in accordance with the manufacturer's instructions. 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.

§ 302-7. Exemptions.

The following activities shall be exempt from the regulations of this article, provided that reasonable steps are taken to minimize the noise emitted:

- A. Construction sites, public utility projects and public works. The daytime criteria, as set forth in § 302-4, shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday; however, the noise shall be minimized through proper equipment operations and maintenance. The nighttime criteria, as set forth in § 302-4, shall not apply to Department of Public Works personnel engaged in snow plowing or street sweeping. Stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.
- B. Emergency operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.
- C. Noises required by law. Any noise required specifically by law for the protection, health, welfare or safety of people or property.
- D. Power equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, and riding tractors 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 article.
- E. Snow removal equipment. The use of snow removal equipment to remove snow from a path of travel.
- F. Bells and chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.
- G. Warning device. Any device being used to request assistance or warn against an unsafe condition.

§ 302-8. Variances.

- A. Special variance permits.

(1)

General. A special variance permit may be issued for an event or circumstance of limited duration, including but not limited to special community events.

- (2) Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Village Administrator, 30 days prior to the commencement of the event or activity for which the variance permit is requested. The Village Administrator may waive the time limit when compliance therewith is impractical. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Village Administrator. A special variance permit may be granted when the Village Administrator finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.
- (3) Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance permit shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance is granted.
- (4) Extension or modification. Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

B. Conditional variances.

- (1) General. Conditional variances may be issued for ongoing or recurring sources of sound which do not comply with the standards of this article for technical or economic reasons.
- (2) Application. The Village of Allouez may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the Village Administrator not less than 30 days prior to commencement of sound-producing operations.
- (3) Hearing. The application shall be publicly heard before the Village Board. The applicant may be required to submit such additional information as the Village Board reasonably requires.
- (4) Issuance. Conditional variances shall not be issued until the applicant has agreed to the conditions therein. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity. The Village Board may require the applicant to post a performance bond prior to issuing the variance.
- (5) Extension or modification. Application for extension of time limits specified in conditional variances or for modification of other substantial conditions shall be treated like applications for initial conditional variances.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- C. Appeal. An appeal from a decision regarding a variance request may be taken to a court of competent jurisdiction.

§ 302-9. Enforcement; violations and penalties.

A.

An enforcement officer may issue a citation for any violation of this article if the enforcement officer witnesses the violation or receives a sworn, written complaint from at least one witness of the excessive or unreasonably loud noise.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. Any person who violates any provision of this article shall forfeit not less than \$50 nor more than \$1,000 for each violation. Each day a violation exists shall constitute a separate offense.

Article II. Sound Amplifiers

[Adopted 4-21-2015 by Ord. No. 2015-03 (§§ 5.07 and 5.15 of the Village Code)]

§ 302-10. Permit required; restrictions on operation.

The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the Village. A sound amplifier shall not be operated before 9:00 a.m. or after 9:00 p.m. or in the vicinity of churches while services are being conducted or near schools that are in session. The Village may order a reduction in the volume of an amplifier on complaint being made by a citizen, or when such loudspeaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

§ 302-11. Violations and penalties.

Any person, firm or corporation violating any provision of this article, upon conviction, shall forfeit not less than \$50 nor more than \$200 and pay the costs of prosecution, or, in the event of failure to pay such forfeiture and costs within the time set by the court, any such person shall be committed to the Brown County jail until such forfeiture and costs are paid, but every such commitment shall be for a definite term which shall not exceed 90 days. Each act of violation shall constitute a separate offense.

Article III. Railroad Warning Devices

[Adopted as § 31.14 of the Village Code]

§ 302-12. Sounding of warning devices on locomotives.

No railroad engineer, railroad employee or other person in charge of any locomotive shall sound, or allow or permit to be sounded, any steam whistle or other warning device on a locomotive within the limits of the Village of Allouez between the hours of 10:00 p.m. and 6:00 a.m. the following morning, except in case of imminent danger to life and property or where the same is required by state law.

§ 302-13. Violations and penalties.

Any person convicted of violating § 302-12 of this article shall forfeit not less than \$25 nor more than \$200, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be confined in the Brown County jail until such forfeiture and costs are paid, but not exceeding 10 days.

