

City of Sun Prairie, Wisconsin

**ORDINANCE REPEALING AND
RECREATING CHAPTER 8.32 –
NOISE CONTROL**

Presented: July 7, 2020

Adopted: July 7, 2020

Publication: July 10, 2020

Ordinance No.: #817

ORDINANCE

WHEREAS, the City of Sun Prairie has adopted Chapter 8.32 Noise Control to control the level of noise pollution in a manner which promotes commerce, the use, value, and enjoyment of property, and the quality of the environment by establishing maximum environmental noise levels applicable within designated areas or zones of the city, identify types of loud and unnecessary noises, to allow for the functioning of commercial business and the operation of construction and emergency equipment; and,

WHEREAS, the City of Sun Prairie has adopted a Zoning Ordinance (Title 17) which includes section 17.36.090, which is specifically designed to regulate the creation of noise which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public; and,

WHEREAS, on Tuesday, June 30, 2020 the Public Safety Committee held a public meeting to consider the proposed amendments to Chapter 8.32 to bring the ordinance in conformance with state statutes, simplify and provide direct resources for enforcement, clearly define what operations and equipment are regulated or exempt, and bring daytime noise ratings into consistency with Section 17.36.090 of the City’s zoning code; and,

WHEREAS, the Public Safety Committee voted 4-0 at their June 30, 2020 meeting in favor of the proposed amendments to Chapter 8.32; and,

WHEREAS, the City Council has reviewed the Public Safety Committee’s recommendation to the Mayor and City Council as noted above and finds that the proposed Amendment meets the procedural requirements of Chapter 62, Wis. Stats.

NOW, THEREFORE, the Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

The Common Council of the City of Sun Prairie, Dane County, Wisconsin, hereby ordains as follows:

SECTION 1. That Chapter 8.32 is hereby repealed and recreated as follows: (Additions are noted by underline, deletions are noted by ~~overstrike~~.)

Section 8.32.010 - Loud and unnecessary noise prohibited.

It is unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. The requirements of this section are not applicable to events sponsored under the auspices of the Sun Prairie School District so long as said events have concluded by ten-thirty p.m. and not applicable to motor racing at Angell Park so long as the last race starts by ten p.m.

Section 8.32.020 - Types of loud and unnecessary noises.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- A. **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 city 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.
- B. **Radios—Phonographs—Similar Devices.** The using, operating or permitting 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 ten p.m. and seven 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.
- C. **Loudspeakers—Amplifiers for Advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, 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 and without the aid of any mechanical device.
- D. **Animals—Birds.** The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
- E. **Steam Whistles.** The blowing of any steam whistle attached to any stationary 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 city authorities.
- F. **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.
- G. **Construction or Repair of Buildings.** The erection (including excavation), demolition, alteration or repair of any building in any zoning district, as well as the 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 seven a.m. and ~~ten nine~~ p.m. on weekdays daily; provided, however, 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 ~~ten nine~~ p.m. to seven a.m. daily.
- H. **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 seven a.m. and nine p.m. unless within the specified noise levels measured at the property line of the location at which such equipment is in use.
- H. I. **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.

~~f. j.~~ The provisions of this chapter shall not apply to:

- ~~1.~~ Emergency equipment. 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 city.
- ~~1- 2.~~ Any vehicle of the city while engaged in necessary public business.
- ~~2- 3.~~ Excavations or repairs of streets or other public construction by or on behalf of the city, county, [or] state at night when public welfare and convenience renders it impossible to perform such work during the day or when the public works committee finds it is in the city's best interest to allow such work to proceed on weekends and/or between the hours of ~~ten nine~~ p.m. and seven a.m.
- ~~4.~~ Snowblowers not operated on a commercial basis shall be exempt from this chapter when used to gain access to a city street.
- ~~3-5.~~ The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

Section 8.32.030 - Stationary noise limits.

A. Maximum Permissible Sound Levels.

1. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line.

Zone	Noise Rating Daytime	Noise Rating Nighttime
Residential	60 65 db	50 db
Commercial	70 db	70 db
All Other Zones <u>Zoning Districts</u>	75 db	75 db

2. 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 5db in any octave band to be designated excessive.
 3. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Section 8.32.030(A)(1), if the subject noise consists primarily of a pure tone or if it is impulsive in character.
- ~~B. —Construction Noise: Construction equipment in any zone may be operated between the hours of seven a.m. to seven p.m. provided that such equipment does not exceed a maximum sound pressure level of eighty (80) db(a) measured at the property line of the location at which such equipment is in use.~~
- ~~C. B.~~ Noise in Residential Districts. In residential ~~zones~~ zoning districts, the person in violation of this chapter shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
- ~~D. —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 seven a.m. and nine p.m. unless within the specified noise levels measured at the property line of the location at which such equipment is in use.~~
- ~~E. —Exemptions: Operation 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 city~~

~~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 city.~~

~~F. C.~~ 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 feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound reflective surfaces.

~~G. D.~~ Appeals. The common council 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.

Section 8.32.040 - Permits for amplifying devices.

- A. Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the city is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the chief of police.
- B. Grounds or Reasons for Denial or Allowance. The chief of the police department shall have the authority to revoke such permit when he 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.
- C. Time Restrictions. The chief of the police department shall not grant a permit to use a loudspeaker or amplifying device before the hours of nine a.m. or after nine p.m. Nor shall a permit be granted to anyone who, in the opinion of the chief of police, uses such loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

SECTION 2. Effective Date. This Ordinance shall become effective upon passage and publication as provided by law.

APPROVED: _____
Paul T. Esser, Mayor

Date Approved: July 7, 2020

Date Signed: July _____, 2020

This is to certify that the foregoing Ordinance was adopted by the Common Council of the City of Sun Prairie at a meeting held on the 7th day of July, 2020, and was submitted for signatures on the 8th day of July, 2020.

Elena Hilby, City Clerk