

**For Public Safety Committee Review  
On March 23, 2011**

**CITY OF STOUGHTON  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CREATING SECTION 50-5 (c)(3), AND AMENDING  
SECTIONS 78-709 (1) AND (3) OF THE MUNICIPAL CODE  
OF THE CITY OF STOUGHTON, DANE COUNTY, WISCONSIN  
RELATED TO NOISE REGULATIONS**

*The City Council of the City of Stoughton, Dane County, Wisconsin, ordains that  
the Municipal Code of the City of Stoughton, Wisconsin is amended as follows:*

**1. Section 50-5(c)(3) is created to provide as follows:**

- (3) The following acts are declared to be loud, disturbing and unreasonable noises in violation of this section 50-5(c), but this enumeration shall not be deemed to be exclusive, nor a limitation upon the prohibition in subsection 50-5(c)(1):
- 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 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.
  - 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 unreasonable manner. **[Note to Committee – consider whether you want to including the following additional sentence: The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 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.]**

- 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 that causes frequent or long continued unreasonable noise.
- e. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat, except through a muffle or other device, which will effectively prevent loud or explosive noises therefrom.
- f. Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, 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 7:00 a.m. and 8:00 p.m.; 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 8:00 p.m. to 7:00 a.m.
- g. Schools, courts, houses of worship, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, house of worship 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.

- h. Exceptions. The provisions of this Section shall not apply to:
- (1) Any vehicle of the Village while engaged in necessary public business.
  - (2) 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.
  - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

**2. Sections 78-709(1) and 78-709(3) are amended to provide as follows:**

- (1) Purpose. The purpose of this section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

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- (3) Requirements. All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated from a facility exceed at the lot line of the subject property the values given in Table 78-709(3)(a) (set out hereafter) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, business zoning district, or the Planned Industrial (PI) District. (See section 78-102.)

*The foregoing ordinance was duly adopted by the City Council of the City of Stoughton at a meeting held on \_\_\_\_\_, \_\_\_\_\_.*

CITY OF STOUGHTON

\_\_\_\_\_  
Donna Olson, Mayor

(seal)

\_\_\_\_\_  
Kelly Michaels, City Clerk

ENACTED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

## Proposed Changes to Stoughton Municipal Code Relating to Noise Regulations

### **Sec. 50-5. Offenses against public peace, order and other public interests.**

#### (c) *Prohibition of noises disturbing the public peace.*

- (1) No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of any person in the vicinity thereof, unless the making and continuing of the noise cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.
- (2) No person occupying or having charge of any building or premises or any part thereof shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity

(3) The following acts are declared to be loud, disturbing and unreasonable noises in violation of this section 50-5(c), but this enumeration shall not be deemed to be exclusive, nor a limitation upon the prohibition in subsection 50-5(c)(1):

- 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 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.
- 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 unreasonable manner. [Note to Committee – consider whether you want to including the following additional sentence: The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 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.]



- 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 that causes frequent or long continued unreasonable noise.
- e. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat, except through a muffle or other device, which will effectively prevent loud or explosive noises therefrom.
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- (1) Any vehicle of the Village while engaged in necessary public business.
  - (2) 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.

(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

**Sec . 78-709(1) and 78-709(3). Noise standards**

(1) *Purpose.* The purpose of this section is to regulate the creation of noise which adversely ~~effects-affects~~ adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

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(3) *Requirements.* All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated ~~continuously~~ from a facility exceed at the lot line of the subject property the values given in Table 78-709(3)(a) (set out hereafter) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, business zoning district, or the Planned Industrial (PI) District. (See section 78-102.)