

ORDINANCE NO. 09-17

AN ORDINANCE AMENDING SECTION 9.07 OF THE MUNICIPAL CODE  
RELATING TO THE PROHIBITION OF CERTAIN NOISE DISTURBANCES

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WHEREAS, the Village Board previously adopted Section 9.07 of the Municipal Code which prohibits certain noise disturbances; and

WHEREAS, the Village Board, wishes to clarify and modernize the language of Section 9.07; and

WHEREAS, the regulation of noise disturbances promotes the health safety and welfare of the Community;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 9.07 of the Germantown Village Code, is amended to read as follows (Note: Additions are underlined; Deleted text is ~~struck through~~):

9.07 - ~~LOUD AND UNNECESSARY NOISE PROHIBITED~~ NOISE DISTURBANCES PROHIBITED.

(1) **GENERAL.** No person shall make, continue or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) **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:

(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 3 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 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, Televisions, Instruments, Phonographs, Similar Devices. Except for Village celebrations authorized and regulated by the Village Board, ~~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, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:~~

(i) In such a manner as to create a noise disturbance across a residential real property boundary. Except for those licensed premises holding and operating in accordance with an outdoor premises extension under Sec. 12.02(7)(q), The operation of any radio, television set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 6:00 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.

(ii) In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a public right-of-way or public space.

(iii) In such a manner as to unreasonably disturb the occupant(s) of an adjacent unit in a multi-family residential structure.

(c) Loudspeakers, Amplifiers, Public Address Systems or Other Similar Devices. ~~Except for Village celebrations authorized and regulated by the Village Board, The using, operating or permitting the use or operation to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, public address system or other machine or device for the producing or reproducing of sound which increases the volume of voice, music or other sounds; so loud as to disturb the peace or the quiet and peacefulness of the neighborhood.~~

(i) In such a manner as to create a noise disturbance across a residential real property boundary. Except for those licensed premises holding and operating in accordance with an outdoor premises extension under Sec. 12.02(7)(q), the operation of any loudspeaker, sound amplifier, public address system or other machine or device between the hours of 10:00 p.m. and 6:00 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.

(ii) In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device, when operated in or on a public right-of-way or public space.

(d) Exhausts. The discharge into the open air of the exhaust or any internal combustion engine or motor boat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(e) Construction and Use of Tools and Equipment or Repair of Buildings. Between 10:00 p.m. and 6:00 a.m. the following day, any of the following activities such that sound therefrom creates a noise disturbance:

(i) The erection (including excavation), demolition, alteration or repair of any building as well as the operation of any pile driver, excavating equipment, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise ~~other than between the hours of 6:00 a.m. and 10:00 p.m.~~ The Building Inspector shall have the authority, upon determining that the loss or inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant permission for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. and 6:00 a.m.

(ii) Operating or permitting the operation of any tools or equipment including, but not limited to, lawn mowers, chain saws, powered garden and lawn equipment, and other nonconstruction maintenance equipment.

(iii) Hours of operation may be extended, except on Sundays, for operations or work under public contracts where the Village's Director of Public Works deems such extension reasonably necessary under the circumstances. The Director may revoke such permission upon twenty-four-hour notice to the general contractor of such work.

(iv) This section does not apply to emergency work of public service utilities.

(f) 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 on those streets indicating a school, hospital or court street.

~~(g) Operation of Certain Equipment. Lawn mowers, chain saws, powered garden and lawn equipment, and other nonconstruction maintenance equipment shall be operated only during the hours between 6:00 a.m. and 10:00 p.m.~~

~~(g) Animals and Birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance.~~

~~(h) **Explosives, firearms and similar devices.** Impulsive sound from explosives, firearms and similar devices shall be regulated solely by the provisions of § SPS 307.44, Wis. Adm. Code, as amended from time to time, hereby adopted by reference, exclusive of provisions relating to penalties. Any act required to be performed or prohibited by § SPS 307.44 is required or prohibited by this article.~~

~~(i) Emergency signaling devices.~~

~~(i) The sounding or permitting the sounding outdoors of any fire, burglar or emergency government alarm, siren, whistle or similar signaling device such that the sound therefrom creates a noise disturbance, except for actual emergency purposes.~~

~~(ii) Testing a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 7:00 a.m. or after 7:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.~~

(3) **EXEMPTIONS.** The provisions of this section shall not apply to:

(a) Any vehicle of the Village, County or State 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) Operation of emergency equipment. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense, disaster, etc., necessary for the health, safety and protection of the citizens of the Village.

(d) Snowblowers, snow plows and other snow removal equipment shall also be exempt from this section.

(e) Implements of husbandry being operated for agricultural purposes.

SECTION II:

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III:

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.


SECTION IV:

This ordinance shall take effect and be in full force upon its passage and the day after publication.


Introduced by Trustee: Baum

Adopted: June 19, 2017

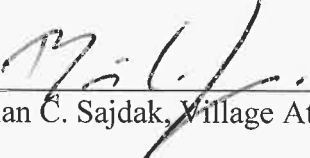
Vote: Ayes: 8    Nays: 1    Absent: 0

  
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Dean M. Wolter, Village President

ATTEST:

  
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~~Barbara K.D. Goeckner, Village Clerk~~  
Kathleen M. Strobe, Deputy Clerk

Approved as to form:

  
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Brian C. Sajdak, Village Attorney