

Chapter 336

NOISE

[HISTORY: Adopted by the Town Board of the Town of La Pointe 2-12-2002 by Ord. No. 500; amended 6-11-2002. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems — See Ch. 188.

Animals — See Ch. 192.

Peace and good order — See Ch. 350.

§ 336-1. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"A" BAND LEVEL — The total pressure level of all sound as measured with a sound-level meter using the A-weighted scale. The unit is the dbA. The A-weighted scale is designed to correct decibel readings to account for the fact that the human ear is less sensitive to low-pitched sounds than it is to high-pitched sounds.

AMBIENT SOUND — The all-encompassing level of sound associated with a given environment, usually being a composite of sounds with many sources near and far.

BAND-PRESSURE LEVEL — Band-pressure level of a sound for a specified frequency band shall mean the sound-pressure level for the sound contained within the restricted band.

COMMERCIAL PURPOSE — Includes the use, operation, or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage or customers to or for, any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

COMMERCIAL ZONE — Any geographic area designated as a commercial district under the Town of La Pointe Zoning Plan.

CYCLE — The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (db) — A unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY WORK — Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

FREQUENCY — Frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is hertz.

IMPULSIVE SOUND — A sound of short duration, usually less than one or two seconds, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of fireworks or firearms.

MICROBAR — A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter or approximately one millionth of normal atmospheric pressure.

MOTOR VEHICLE — Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, mopeds, go-carts, and any other vehicle which is self-propelled.

NOISE — Sound or a sound that is loud, unpleasant, unexpected or undesired.

NOISE DISTURBANCE — One or a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear, which are or may be harmful or injurious to the health or welfare of a reasonable person with normal sensitivities or which unreasonably interfere with the enjoyment of life, property or outdoor recreation. Any sound exceeding the permissible sound-pressure levels established in this chapter is noise disturbance.

NONCOMMERCIAL PURPOSE — The use, operation, or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

OUTDOOR AMPLIFIED SOUND — Any sound using amplifying equipment whose source is outside a building or other structure or whose source is inside a building or other structure where the sound propagates to the outside through open doors or windows or other openings in the building.

PERIOD — Period of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

PERIODIC QUANTITY — Oscillating quantity, the values of which recur for equal increments of time.

REAL PROPERTY LINE — An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person or from any public space, excluding intra-building real property divisions.

RESIDENTIAL ZONE — Any nonpublic geographic area not designated as a commercial or industrial zone under the Town of La Pointe Zoning Plan.

SOUND — A vibration disturbance in the pressure and density of a fluid or in the elastic strain in a solid with frequency in the approximate range between 20 and 20,000 hertz, capable of being detected by the organs of hearing.

SOUND-AMPLIFYING EQUIPMENT — Any machine or device for the amplification of the human voice, music, or any other sound. "Sound-amplifying equipment" shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. "Sound-amplifying equipment," as used in this chapter, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used for traffic safety purposes.¹

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 weighting networks, for the measurement of noise and sound levels in a specified manner.

SOUND-PRESSURE LEVEL — Sound-pressure level in decibels of a sound shall mean 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

SPECTRUM — Spectrum of a function of time shall mean a description of its resolution into components, each of a different frequency.

§ 336-2. Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of 0.0002 microbar as measured in any octave band with center frequency, in hertz, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 or as measured with a sound-level meter using the A-weighted scale. A sound-pressure level of 0.0002 microbar is approximately the weakest sound that can be heard by a person with very good hearing. This quantity represents the threshold of audibility and is equal to zero decibels, the lowest point of the decibel scale of noise levels. The range of the decibel scale is from zero, at which the human ear receives little or no sensation, even though some energy may be present, to approximately 120 decibels, where the sound becomes extremely intense.

§ 336-3. Noise near schools and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school or church while the same is in use, which noise unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed in such street, sidewalk or public place indicating the presence of a school or church.

§ 336-4. Certain noises and noise disturbances prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance, as defined in this chapter, or any loud, disturbing and unnecessary noise, or any excessively loud and raucous noise which either annoys, disturbs, injures or

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

endangers the comfort, repose, health, peace or safety of others, within the limits of the Town of La Pointe.

§ 336-5. Continuous sources of sound.

- A. The maximum permissible sound-pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, amplified music and sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing either vehicles, materials, goods, products or devices. Sound-pressure levels in excess of those established for the districts of the Town, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound-pressure levels shall be measured at a distance of approximately 150 feet (approximately) from the property line of the source of the objectionable sound or at the point on the property line of the complainant that is nearest to the source of the objectionable sound, whichever is closer. Sound-pressure levels shall be measured at a height of at least four feet above the immediate surrounding surface on a sound-level meter of standard design and operated on the A-weighted network.²

Table A

Land Use Zoning District	Time	Sound Pressure Limit (dbA)
Residential	7:00 a.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	45
Commercial	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	55
Industrial	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	55
Exception all zones not requiring permit	Friday 5:00 p.m. to 11:00 p.m.	70
	Saturday 10:00 a.m. to 12:00 midnight	70
One-day exceptions all zones requiring permit	Any day except Saturday 10:00 a.m. to 11:00 p.m.	70
Sunday of Memorial Day weekend	10:00 a.m. to 12:00 midnight	70

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

Sunday of Labor Day weekend	10:00 a.m. to 12:00 midnight	70
July 4	10:00 a.m. to 12:00 midnight	70 (lawful fireworks exempt)

- B. The Sunday of Memorial Day weekend and the Sunday of Labor Day weekend and the Fourth of July will have the same hours and sound-pressure limits as Saturdays.
- C. One-day exception permits for picnics, parties, fund-raisers and special private functions, such as weddings and anniversaries, may be issued by the Town Clerk upon approval of the Town Board.³
- D. This section shall not apply to:
 - (1) Any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.
 - (2) The loading or unloading of any trucks.
 - (3) Domestic power equipment.
 - (4) Emergency services.
 - (5) Commercial marine vessels.
 - (6) Windsleds.
 - (7) Commercial power equipment.
 - (8) Motor vehicles operating on public rights-of-way but shall apply to motor vehicles parked on public rights-of-way.
 - (9) Noise from lawful fireworks on holidays.

§ 336-6. Construction activities.

- A. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day.
- B. Construction projects shall be subject to the maximum permissible noise level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit.
- C. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

§ 336-7. Responsibility of owners and occupants.

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).

It shall be unlawful for any person who is the owner, occupant, or is in control of any premises to permit any noise prohibited under any section of this chapter to be created in, or emanate from, such premises.

§ 336-8. Enforcement; violations and penalties. ⁴

- A. Any person who violates this chapter shall receive an oral order to cease or abate the noise immediately, or within a reasonable time period. If this order is not obeyed a citation will be issued in accordance with Chapter 18 of this Code. If a second offense is committed on the same day, the source, if amplified, shall be unplugged or disabled for the remainder of the evening.
- B. In addition to the provisions of Subsection A, any person who possesses an alcohol beverage license and violates any provision of this chapter shall be subject to the following penalties:
 - (1) Third offense during the term of the license period: forfeiture of \$500 plus court costs plus a mandatory five-day suspension of the alcohol beverage license.
 - (2) Fourth offense during the term of the license period: forfeiture of \$1,000 plus court costs plus a mandatory ten-day suspension of the alcohol beverage license.
 - (3) Fifth and subsequent offenses during the term of the license period: forfeiture of \$2,000 plus court costs plus mandatory suspension of the alcohol beverage license for the balance of the present term of the alcohol beverage license.
- C. In addition to the penalties stated above, any violator of any term or provision of this chapter shall pay the costs of prosecution, including any reasonable attorney fees incurred by the Town of La Pointe, which amount shall be added to the forfeiture of a second offense and any subsequent offense.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).