

TOWN OF GIBRALTAR

ORDINANCE 2022-24

UNREASONABLE, EXCESSIVE AND UNNECESSARY NOISE

Ordinance 2022-24 Identified in the code of ordinances as 10.09 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose - The Town of Gibraltar recognizes that excessive noise is a serious threat to the public health and welfare, public safety, quality of life and property values. Therefore, it is the policy of the Town to prevent and abate excessive noise which may jeopardize the public health, safety or welfare or which would cause harm to property values, or which would impair the quality of life within the Town.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

General Provisions

- (A) Loud and unnecessary noise prohibited. No person shall make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof except as described in subsection C.
- (B) 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:
 - (1) Use of radios, sound systems and similar devices. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, sound system, meaning a phonograph, tape player, CD player, or other similar system, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be unreasonably loud under the provisions as set forth in Subsection A above shall be prima facie evidence of a violation of Subsection A.
 - (2) Construction or repair of buildings and excavations. The erection, demolition, alteration or repair of any building, as well as the operation of any pile driver, motorized tools or equipment, derrick, motorized hoist, or any other similar equipment attended by loud or unusual noise, or the conduct of excavation operations, other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturday; shall be prima facie evidence of a violation of Subsection A; provided, however, that the Town Administrator 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 a permit for a period necessary within which time such work and operation may take place outside the hours prescribed above.

- (3) Discharge of exhausts. The discharge into the open air of the exhaust of any stationary internal combustion engine or motorboat except through a muffler or other device which will effectively prevent loud or explosive noises therefrom shall be prima facie evidence of a violation of Subsection A.

(C) Exceptions. The provisions of this section shall not apply to:

- (1) Any vehicle or equipment of the Town, County, State or other governmental entity having jurisdiction in the area, or utility, while engaged in necessary public business.
- (2) The reasonable use of amplifiers or loudspeakers in the course of governmental or school activities which are noncommercial in nature.
- (3) Reasonable vocal noise from or caused by persons attending government- or school-sponsored activities, or engaged in recreational use of public parks or pools.
- (4) Noise that cannot be prevented and is necessary for the protection or preservation of property or the health, safety, life or limb of some person.

Penalty

Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00, nor more than \$500.00, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.

Enforcement

- (A) Enforcement shall be by citation.
- (B) Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.
- (C) Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.
- (D) Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from

preceding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed, or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.