

12.02 (2) UNREASONABLE, EXCESSIVE AND UNNECESSARY NOISE PROHIBITED. (Am. 09/12/23)

(1) *Definitions.*

(a) *Sound level meters:*

American National Standard Institute (ANSI)
Specifications for Sound Level Meter (ANSI S1.1-1971)
Properly calibrated and operated on the "A" Weighting Scale

(b) *Unreasonable, excessive and unnecessary noise:* Noise outside of the allowed time frame and/or measured with a sound level meter, in excess of any of the following:

- a. Fifty-five (55) dBA between 10:00 p.m. and 6:30 a.m., when measured at any property within the city, which is designated as a residential area.
- b. Ninety (90) dBA at all other times, when measured at any property within the city, which is designated as a residential area.

c. Amplified music within a commercial area during the following hours:

Sunday	12:00 a.m.- 6:30 a.m. and 10:00 p.m. - 11:59 p.m.
Monday	12:00 a.m.- 6:30 a.m. and 10:00 p.m. - 11:59 p.m.
Tuesday	12:00 a.m.- 6:30 a.m. and 10:00 p.m. - 11:59 p.m.
Wednesday	12:00 a.m.- 6:30 a.m. and 10:00 p.m. - 11:59 p.m.
Thursday	12:00 a.m.- 6:30 a.m. and 10:00 p.m. - 11:59 p.m.
Friday	12:00 a.m.- 6:30 a.m.
Saturday	12:00 a.m. - 6:30 a.m.

(c) *Decibel:* dBA.

(d) *Residential area:* All zoned areas within the Village of Luxemburg with the designation of R-A, R-1, R-2, or R-3

(e) *Commercial area:* All zoned areas within the Village of Luxemburg with the designation of C-1 General Commercial Downtown and C-1 General Highway Commercial.

(2) *Prohibited.* No person individually or as a member of a group, and no firm, company or other entity shall make, cause, or contribute to making any unreasonable, excessive, and unnecessary sounds or noises – including sound from the operation of a motor vehicle - within the Village of Luxemburg. An unreasonable, excessive and unnecessary noise is defined at subsection (1)(b) above.

(3) *Parental Responsibility.* In the event unsupervised children under the age of 12 years are found to be in violation of sub. (2), the parent or guardian of said children shall be held responsible for their actions and may be issued an ordinance citation for the violation on their behalf.

(4) *Exceptions.* The provisions of this section shall not apply to noise resulting from:

- (a) The use of an authorized emergency vehicle.
- (b) Public works projects which are authorized by the village.
- (c) Fireworks displays which are authorized by the village.

- (d) Parades which are authorized by the village.
 - (e) Public and private snow removal operations.
 - (f) The operation of agricultural equipment.
 - (g) The operation of aircraft or other activities, which are pre-empted by federal law, with respect to noise control.
 - (h) Sponsored athletic events and related public address systems between 7:00 a.m. and 10:30 p.m.
 - (i) Authorized school activities occurring between 7:00 a.m. and 10:30 p.m.
 - (j) Train horns required in accordance with highway grade crossing guidelines.
 - (k) Motor vehicle horns when used in an emergency situation.
 - (l) Emergency signaling devices when used in emergency situations.
 - (m) Home, business and vehicle intrusion alarms.
 - (n) Machinery or equipment used during the construction or erection of buildings where required building permits have been issued by the proper authority.
 - (o) Construction work made necessary to restore property to a safe condition following a public calamity or work required for the immediate protection of persons or property from imminent danger.
 - (p) Yard/lawn care maintenance equipment and machinery, between 7:00 a.m. and sunset.
 - (q) The village board may grant additional exceptions, after a request is submitted to, and approved by, the village board, for an exception.
 - (r) Authorized use of the Kewaunee County Fairgrounds for outdoor events including, but not limited to, the Kewaunee County Fair, stock car races, and Ag Heritage Days, unless at any time the County of Kewaunee would set a decibel reading requirement to above that of the village's 90 dBa.
 - a. Indoor events at the Kewaunee County Fairgrounds ARE NOT EXEMPT from the restrictions set forth in subsection (1)(b) above.
- (4) *Exception permit.* Person(s) requesting exceptions through the village board must complete a request for exception in writing for the exception, and submit it to the village clerk's office, with a permit fee in an amount set by the village board, if any. Requests must be submitted at least 30 days prior to the date or dates of the requested exception. Exceptions may include time limitations, sound levels or a combination of both. (Approval of exception requests is at the discretion of the village board who reserves the right to deny any exception requests).
- (5) PENALTY. (Cr. 09/12/23)
- (a) Any forfeiture for a violation for the State Statutes adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

(b) Any violation of this section not included in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference shall have a cash deposit of fifty dollars (\$50.00) plus court costs and one-hundred dollars (\$100.00) plus court costs for a second violation of this Ordinance within a 12-month period.