

ORDINANCE 2022-03
VILLAGE OF MISHICOT

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING CHAPTER 260-21 THEREOF, LOUD AND UNNECESSARY NOISE OR VIBRATIONS, AND REPLACING IT WITH A NEW CHAPTER 260-21, TO BE ENTITLED "LOUD AND UNNECESSARY NOISE OR VIBRATIONS", WHICH CHAPTER PROVIDES FOR RULES AND REGULATIONS REGARDING NOISE WITH THE VILLAGE LIMITS.

It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, as follows:

A) LOUDSPEAKERS

1. **USE ON STREETS.** No person shall use any loudspeaker on the streets of the Village except under permit granted by the Police Chief.

B) REGULATION OF NOISE

1. Definitions in this section:

- a) "Daytime hours" means the hours between 7:00 a.m. and 10:00 p.m.
- b) "Produce" means, when referring to producing noise, to physically activate the source that creates the noise, to order or authorize another person to activate the source that creates the noise, or to have control over a source of noise and permit the noise to exist.
- c) "Nighttime hours" means the hours between 10:00 p.m. and 7:00 a.m.

2. Unreasonably Loud Noise. No person shall produce unreasonably loud noise. A court shall consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

- a) **Decibels.** A court may determine any noise is unreasonable solely because it exceeds 80 decibels when measured from any property not under control of the person producing the noise.
- b) **Time of Day.** Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.
- c) **Land Use.** Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial, or industrial areas.
- d) **Duration of Noise.** Certain loud noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long time.

3. Presumptions. The typical noise produced by the following activities is presumed to be reasonable:

- a) **Required Noise.** Any noise-producing activity required by law.
- b) **Construction Work.** Work performed at construction sites, at public works projects, and by public utilities during daytime hours Monday through Saturday.
- c) **Waste Collection.** The collection of solid waste during nighttime hours Monday through Friday.
- d) **Safety Response.** Emergency vehicles responding to an emergency.
- e) **Power Equipment.** The use of lawn mowers, snow removal equipment, lawn and garden tools, and riding tractors during daytime hours for yard, pavement, or land maintenance.
- f) **Air Conditioning.** The use of residential air conditioners.
- g) **Airplanes.** Aircraft operations controlled specifically by federal law.

- h) **Time Signals.** The use of bells, chimes, and similar devices that signal the time of day during daytime hours.
- i) **Warning Devices.** The use of a device that requests assistance or warns against an unsafe condition.

4. **Special Permit.**


- a) **Application.** Any person wishing to produce or allow noise notwithstanding this section may file a request with the Police Department at least 30 days prior to the event or activity that will produce the noise.
- b) **Police Approval.** If the Chief of Police, or his or her designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.
- c) **Appeal.** The applicant may appeal a Police Department decision to the Village Board within 15 days after receiving the decision by filing an appeal notice with the Village Clerk. The Village Board shall hear the applicant's appeal and affirm, reverse, or modify the Police Department decision. If the Village Board determines that the noise produced by the particular event will not substantively harm the public health, safety, and welfare, the Village Board may recommend issuance of a special permit allowing such noise and place conditions upon its use.
- d) **Revocation.** The Police Department may immediately revoke a permit issued under this subsection of the permittee violates any conditions placed upon the permit.

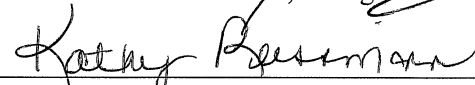
5. **Penalties.** Any person violating sub. (2) or (3) is subject to a penalty as provided in 260-50 of this Chapter.

This ordinance shall take effect the day after posting.

Passed and adopted this 2nd day of August, 2022.

Vote For: 7 Vote Against: 0 Not Voting: 0

Signed by:  Date: 8-2-22
Bernie J. Samz, Village President

Attest:  Date: 8/2/22
Kathy Reissmann, Village Clerk-Treasurer

Date adopted: 8/2/22

Date posted: 8/3/22

Date effective: 8/4/22