

**PROPOSED**

Date Approved: \_\_\_\_\_

**NOISE POLLUTION ORDINANCE DDV2201**

The Dewhurst Town Board in Clark County Wisconsin ordains as follows:

1. Loud and unnecessary noise

A. Loud and unnecessary noise is 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 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 similar system, or other machine or device for the producing or reproducing of sound between the hours of 11:00 p.m and 7:00 a.m. in a manner 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, alteration or repair of any building, motorized tools or equipment or any 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 9:00 p.m. on week days and 9:00 a.m. and 5:00 p.m. on weekends, shall be a prima facie\* violation of Subsection A.
- (3) Use of lawn equipment. The use of lawn equipment between the hours of 8:00 p.m. and 7:00 a.m. shall be a prima facie\* evidence of Subsection A.
- (4) Discharge of exhausts. The discharge into open air of the exhaust of any stationary internal combustion engine or motor boat except through a muffler or device which will effectively prevent loud or explosive noises therefrom shall be prima facie\* evidence of a violation of Subsection A.
- (5) Animal ownership. No person shall keep or maintain or permit the keeping of any premises, occupied or controlled by such person, any animal or bird otherwise permitted to keep, which by frequent or habitual howling, barking, meowing, squawking or other noise which unreasonably disturbs the peace and quiet of any neighborhood or causes discomfort or annoyance to any reasonable person(s) shall be in prima facie\* evidence of a violation of Subsection A.

C. Exceptions

- (1) Any vehicle or equipment of the Township, County, State or other governmental entity having jurisdiction in the area, or utility, while engaged in necessary public

business.

- (2) Noise or animal disturbances per definition in Residential Recreational District RR-1, Agriculture District or Forestry/Agriculture District.
- (3) Reasonable use of amplifiers or loudspeakers in the course of governmental activities which are non-commercial in nature.
- (4) Reasonable vocal noise from or caused by persons attending governmental activities, or engaged in recreational use of public parks or campgrounds.
- (5) Noise that cannot be prevented and is necessary for the protection or preservation or property of the health, welfare, safety, life or limb of some Person.

D. Any violation of this section shall be subject to the penalties and remedies as set forth in Section E and administered and adjudicated by the Town Chair or his or her designee.

#### E. Forfeitures

Noise. Violations shall result in the following forfeitures:

1. **First Offense:** warning, issued by the Town of Dewhurst Chair or designee
2. **Second Offense:** \$100.00\*
3. **Third Offense:** \$200.00\*
4. **Fourth Offense or more:** \$500.00 each offense\*\*

\*Plus applicable court costs of prosecution including reasonable attorney fees

Animals. Violations shall result in the following forfeitures

1. **First Offense:** warning, issued by the Town of Dewhurst Chair or Designee
2. **Second Offense:** Issuance of a \$250.00 fine\*
3. **Third Offense:** Issuance of \$500.00 fine\*
4. **Fourth Offense:** Clark County Humane Society will be contacted to Remove said animal(s) from premises pursuant to B(5)\*

\*Plus applicable court costs of prosecution including reasonable attorney fees

F. Should any part of this Ordinance be found unenforceable, the remainder of the Ordinance shall remain in full effect.

G. Effective Date

This Ordinance shall be effective upon the final passage by the Town of Dewhurst Board and publication thereof as provided by Wisconsin State law.

Motion made by: \_\_\_\_\_ Seconded made by: \_\_\_\_\_

Yes ( )      No ( )

Passed this day \_\_\_\_\_ of \_\_\_\_\_ 2022

\*Prima facie: sufficient evidence to establish a fact or raise presumption unless disproved or rebutted. Based on first impression.