

**CHAPTER 39**  
(Revised 5-1-2002)  
**NOISE CONTROL**

**39.01 REGULATION OF NOISE.** (1) DEFINITIONS. (a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI (American National Standards Institute or its successor bodies) S1.1, "Acoustical Terminology".

(b) Daytime Hours. The hours between 7:00 A.M. and 10:00 P.M.

(c) Nighttime Hours. The hours between 10:00 P.M. and 7:00 A.M.

(d) Person. Any person, person's firm, association, co-partnership, joint venture, corporation, or any entity public or private in nature.

(e) Real Property Boundary. An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(f) Zones. The following zones, as defined in Land Use Zoning Ordinances of the municipalities within Brown County, are included in the zone categories.

1. Residential, Agricultural and other.
2. Commercial.
3. Industrial.

(2) LIMITATIONS.

(a) Maximum Levels within Zones. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in Tables I and II.

**TABLE I**

**Maximum Permissible Sound Pressure; Daytime Hours.**

<u>Octave Band Center Frequency (hz)</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
31.5	70	80	86
63	69	79	85
125	64	73	80
250	58	65	75
500	52	59	69
1000	47	53	63
2000	42	47	58
4000	38	42	54
8000	35	40	51
A-scale levels	57 dB (A)	63 B (A)	72 dB (A)

(Levels in Decibels re .0002 Microbars)

**TABLE II**

**Maximum Permissible Sound Pressure; Nighttime Hours.**

<u>Octave Band Center Frequency (Hz)</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
31.5	69	72	81
63	68	71	80
125	62	66	75
250	54	60	70
500	48	54	64
1000	42	49	58
2000	36	44	53
4000	31	40	49
8000	29	37	46
A-scale levels	52 dB (A)	58 dB (A)	67 dB (A)

(Levels in Decibels re .0002 Microbars)

(b) Maximum Levels Between Zones. No person shall operate or cause to be operated on private or public property any source of sound from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone that exceeds the limits set forth in Tables III and IV.

**TABLE III**

**Maximum Permissible Sound Pressure; Daytime Hours.**

<u>Octave Band Center Frequency (Hz)</u>	<u>Ind. Into Commercial</u>	<u>Ind. Into Residential</u>	<u>Commercial Into Residential</u>
31.5	80	79	75
63	79	78	74
125	74	73	69
250	69	67	64
500	63	61	58
1000	57	55	52
2000	52	50	47
4000	48	46	43
8000	45	43	40
A-scale levels	66 dB (A)	64 dB (A)	61 dB (A)

(Levels in Decibels re .0002 Microbars)

**TABLE IV**

**Maximum Permissible Sound Pressure; Nighttime Hours.**

<u>Octave Band Center Frequency (Hz)</u>	<u>Ind. Into Commercial</u>	<u>Ind. Into Commercial</u>	<u>Commercial Into Residential</u>
31.5	75	74	72
63	74	73	71
125	69	68	65
250	64	63	57
500	58	57	51
1000	52	51	45
2000	47	46	39
4000	43	42	34
8000	40	39	32
A-scale levels	61 dB (A)	60 dB (A)	55 dB (A)

(Levels in Decibels re .0002 Microbars)

(3) BLOWING OF STEAM WHISTLES.

(a) Locomotives. No railroad engineer, railroad employee, or other person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive in the County, except in case of imminent danger to life and property.

(b) Boats. No captain, mate or other person having charge of, or who may for any purpose be on board any steamboat, propeller, tugboat, ferry boat, or other steam vessel or craft shall operate or blow the whistle of such steamboat, vessel, or other craft while the same is lying at or tied to any of the docks in either the Fox or East Rivers within the County.

(4) ELECTRIC SOUND AMPLIFICATION. During nighttime hours, no person may operate a radio, juke box, or other electric sound amplification device emitting sound from any industrial or commercial zone or commercial premises that is audible in a residential zone under normal conditions from a distance of 75 feet or more beyond the lot line of the property which emits the sound.

(5) MEASUREMENT. When required pursuant to this ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI s1.4 – 1071) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 – 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order and operated in accordance with the manufacturer’s instructions.

(6) EXEMPTIONS. The following activities shall be exempt from the regulations of this section, provided reasonable steps are taken to minimize the noise emitted.

(a) Construction Sites, Public Utility Projects, Public Works. The daytime criteria, as set forth in (2), shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise shall be minimized through proper equipment operations and maintenance. The nighttime criteria, as set forth in (2), shall not apply to municipal employees and personnel engaged in the collection of solid waste during nighttime hours Monday through Friday. Stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.

(c) Noises Required By Law. Any noise required specifically by law for the protection, health, welfare, or safety of people or property.

(d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, and riding tractors necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(e) Snow Removal Equipment. The use of snow removal equipment to remove snow from a path of travel.

(f) Residential Air Conditioners. Noise emitted by residential air conditioners in good working order.

(g) Airplanes and Railroad Operations. Aircraft and railroad operations which are controlled specifically by federal law.

(h) Bells, Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.

(i) Warning Devices. Any device being used to request assistance or warn against an unsafe condition.

(j) Farming Equipment. Non-stationary farming equipment and stationary farming equipment used in drying agricultural crops.

(k) Disorderly Conduct. Noises created by human behavior and generally considered to be disorderly conduct under other laws and ordinances.

(l) Animals. Noises created by animals such as, but not limited to, barking dogs.

(m) Motor Vehicles. Noise created by motor vehicles.

(n) Exemptions. These provisions shall not apply to:

- section.
1. Activities covered by the variance and exemption provisions of this section.
  2. Agricultural activities conducted in areas zoned for such use.

(7) VARIANCES.

(a) Special Variance Permits.

1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.

2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Health Director, or his or her designee, 30 days prior to the commencement of the event or activity for which the variance permit is requested. The Health Director may waive the time limit when compliance therewith is impractical. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Health Director. A special variance permit may be granted when the Health Director finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.

3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted. Variances granted by a municipality within Brown County shall be considered compliance with this chapter as to that municipality regulating the source of a sound not emitted across a municipal boundary.

4. Extension or modification. Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(b) Conditional Variances.

1. General. Conditional variances may be issued for ongoing or recurring sources which do not comply with the standards of this ordinance for technical or economic reasons.

2. Application. The Brown County Board of Health may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the Health Director not less than 30 days prior to commencement of sound producing operations.

3. Hearing. The application shall be publicly heard before the Brown County Board of Health. The applicant may be required to submit such additional information as the Brown County Board of Health reasonably requires.

4. Issuance. Conditional variances shall not be issued until the applicant has agreed to the conditions therein. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity. The Brown County Board of Health may require the applicant to post a performance bond prior to issuing the variance. Variances granted by a municipality within Brown County will be considered compliance with this chapter as to that municipality regulating the source of a sound not emitted across a municipal boundary.

5. Extension or modification. Application for extension of time limits specified in variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(c) Appeal. An appeal from a decision regarding a variance request may be taken to a court of competent jurisdiction.

**39.02 PENALTIES.** Any person who shall violate any provisions of this section shall be subject to a forfeiture of not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1000 for subsequent offenses.