

**ORDINANCE # 6-2007  
TOWN OF HOLLAND  
NOISE ORDINANCE**

AN ORDINANCE TO REGULATE NOISE WITHIN THE TOWN OF HOLLAND.

**SECTION 1.0 AUTHORITY AND PURPOSE**

The Town Board has the authority to promote and protect the health, safety, and general welfare of the citizens and inhabitants of the Town. Pursuant to this end, the Town establishes this Ordinance to regulate noise within the Town's borders.

This ordinance is enacted pursuant to Wisconsin Statutes, Chapter 60.

**SECTION 2.0 FINDINGS AND DECLARATION OF POLICY**

It is found that noises which are unnecessary, excessive, unnatural, annoying, prolonged or unusually loud in relationship to their time or place are a public nuisance and are detrimental to the public health, safety, welfare, comfort, repose, peace and prosperity of the Town; and noises or noise levels which, under some circumstances, would be normal and acceptable, may become unnecessary, excessive, unnatural, annoying, prolonged or unusually loud by virtue of their time or place.

Therefore, it is declared that the policy of the Town of Holland, Wisconsin, is to prohibit noises which are unnecessary, excessive, unnatural annoying, prolonged or unusually loud in relationship to their time or place.

**SECTION 3.0 APPLICABILITY**

This ordinance shall apply to any noise that originates from or can be heard within any area zoned Residential.

**SECTION 4.0 DEFINITIONS**

“Loud and unnecessary noise” means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures persons or real property.

Unnecessary noises shall be defined as follows: In addition to other loud and unnecessary noise, the following shall specifically be prohibited:

- (A) Between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible at the property line of the building or structure, or 25 feet from a vehicle in which it is located; or

(B) At any time of day in such a manner as to be plainly audible in any room in any dwelling unit located in any adjacent premises; or

(C) At any time of day in such a manner as to be plainly audible at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters.

**SECTION 5.0 LOUD AND UNNECESSARY NOISE PROHIBITED**

Between the hours of 9:00 PM and 7:00 AM, it shall be unlawful for any person to make, continue, or cause to be made or continue any loud and unnecessary noise; it shall further be unlawful for any person to knowingly or wantonly use or operate, or to cause to be used or operate, any mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such a manner that persons owning, using, or occupying property in the surrounding area are disturbed or annoyed. Normal agricultural activities and gun clubs exempt by law are specifically exempt from this Ordinance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Ordinance except when using the device between the hours of 10 p.m. and 8 a.m. the following day, such that the sound therefrom is plainly audible across a residential real property boundary.

**SECTION 6.0 VARIANCE PERMITS**

Variance Permits may be issued by the Town Board to exceed the noise standards set forth in this Ordinance as follows:

(A) Temporary Variance Permits.

(1) General. A Temporary Variance Permit may be issued upon request provided that the activity producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

(2) Special Community Events. A Temporary Variance Permit may be issued for special events, such as festivals, 4<sup>th</sup> of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.

(3) Procedure to Obtain a Variance Permit. Applications for Temporary Variance Permits must be made in writing to the Town Clerk no less than 30 days before the commencement of the noise-producing activity and shall contain all of the following pertinent information:

(a) Dates requested;

- (b) Time and place of operation;
- (c) Equipment and operation involved;
- (d) Necessity for such permit;
- (e) Steps to be taken to minimize noise; and
- (f) Name of responsible person(s) who will be present at the operation site while the noise is produced.

The Town Clerk shall send a notice to all adjoining landowners no less than 30 days before commencement of the noise-producing activity. Said notice shall include a copy of the Application described herein and the date, time and location of the hearing on the Application.

The Town Board may shorten the 30 day application period upon a showing of good cause. Additionally, the Town Chair may issue a Temporary Permit if the Chair determines that extraordinary or emergency circumstances exist. Such a permit shall last for the duration determined by the Chair, but no longer than the next regular meeting of the Town Board, at which time the Town Board shall determine whether to continue the Temporary Permit. Issuance of a Temporary Permit shall not replace the procedure for a Variance Permit unless determined by the Board in each case.

(B) Variance Permits of Indefinite Duration.

- (1) It is recognized that it is not technically or economically feasible for certain business operations and equipment to comply with the standards set forth herein as of the date of this Ordinance. The Town Board may therefore issue a Variance Permit on existing business operations and equipment which produces excessive noise if it is found that is not technically or economically feasible to alter such operation to reduce noise to within the prescribed standards set forth in this Ordinance. Applications for such variances must be made to the Town Clerk by an affected party in a letter setting forth the reasons that such variance should be granted. The Town Board, after a public hearing and review of all circumstances and the degree of nuisance, may grant the variance, deny the variance, or set forth conditions or limitations under which the variance will be granted. Fees for a Variance Permit shall be set from time to time by the Town Board. Fees for a temporary permit shall be in the same amount and in addition to the fee for a Variance Permit.
- (2) In the event the Town Board or any law enforcement officer issues an order citing a violation of this Ordinance on an existing business operation or equipment and the party cited applies for a variance within ten (10) days of such citation, then all penalties provided shall be tolled from the date the application is filed until a final order or decision has been issued on the merits of the application.

**SECTION 7.0 EXEMPTIONS**

(A) Public Utilities, Public Works. This ordinance shall not apply to public utilities and public works projects and operations during the daytime hours from Monday through Saturday, inclusive; provided, however, that noise production shall be minimized through proper equipment operation and maintenance. Stationary equipment on projects lasting more than ten (10) days within residential districts shall be shielded or located so as not to cause unnecessary noise.

(B) Emergency Operations. Emergency short-term operations which are necessary to protect the health and welfare of the citizens; such as, emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from this ordinance, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.

(C) Noises Required by Law. The provisions of this Ordinance shall not apply to any noise required specifically by law for the protection of safety of people or property, including but limited to police and emergency vehicle sirens, fire alarms and tornado sirens.

(D) Lawn Mowers, Garden Tools, Etc. Power equipment such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, if such equipment is kept in good working order, shall be exempted from this ordinance. However, no person shall operate such equipment, with the exception of snow removal equipment, during the hours of 9 p.m. through 7 a.m., inclusive.

**SECTION 8.0 ENFORCEMENT**

This ordinance may be enforced by the Town Board, any local or state health official, or any law enforcement official authorized to act within the Town. The Town Board, by resolution, may also designate such other officials or individuals as the Town Board deems appropriate to enforce this Ordinance.

**SECTION 9.0 PENALTIES**

Each person or entity found to be in violation of any of the provisions of this chapter shall for each offense be punished by a forfeiture of not less than Twenty Five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), and in default of payment thereof imprisonment not to exceed Thirty (30) days for each violation. Each day of a continuing violation shall be deemed a separate violation. The standard forfeiture for violation of this ordinance shall be \$100.

**SECTION 10.0 INJUNCTION: ADDITIONAL REMEDY**

The operation or maintenance of any device, equipment, instrument, vehicle, or machinery in violation of any provision of this Ordinance, or any other violation of this Ordinance, shall be deemed and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

**SECTION 11.0 SEVERABILITY**

If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Ordinance which can be given effect without the invalid provisions or application and to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 12.0 EFFECTIVE DATE**

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 12<sup>th</sup> day of December, 2007.

George Hammes,  
Town Chairman

Attest:  
Town Clerk  
Date Published: 12/21/07