

STATE OF WISCONSIN

Town of Cross Plains

Dane County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Cross Plains Noise Ordinance. The purpose of this ordinance is to regulate for public health and safety reasons, noise in the town.

SECTION II – AUTHORITY

The town board has the specific authority under ss. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and chapter 823, Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of noise in the town.

SECTION IV – LOUD AND UNNECESSARY NOISE

A. Loud and Unnecessary Noise Prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and unnecessary noise. It shall be unlawful for any person to knowingly or wantonly use or operate, or to cause to be used or operated, 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 manner that the peace and good order of the neighborhood is disturbed or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed.

B. Types of Loud and Unnecessary Noises. The following acts are declared to be loud and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

1. Radios, phonographs, similar devices. The playing, using, or operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, loudspeaker, sound amplifier, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

2. Construction or repair of buildings. The erection (including excavation), demolition, alteration, or repair of any building by the operation of any pile driver, pneumatic hammer, derrick, mechanical or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 8:00 p.m.

C. Exceptions. The provisions of this section shall not apply to:

1. Any vehicle of the Town while engaged in necessary public business.

2. Excavations or repairs of streets or other public construction by or on behalf of the Town, county, or state at night when public welfare and convenience renders it impossible to perform such work during the day.

3. The reasonable use of amplifiers or loudspeakers in the course of public addresses, which are noncommercial in nature.

4. As stated in Wis. stats. 66.0411(1), "'sound producing device' does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations."

SECTION V – ENFORCEMENT PROVISIONS

- A. Penalties. 1. 1st Offense. Any person who violates this ordinance shall, upon conviction, forfeit \$250 together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs are paid, but not exceeding 90 days.
2. Second and Subsequent Offenses; Penalty. Any person guilty of violating this ordinance or any person who has previously been convicted of a violation of this ordinance shall, upon conviction, forfeit \$500 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding 6 months.
- B. Separate Violations. Each day of violation of this ordinance constitutes a separate offense.

SECTION VI – SEVERABILITY

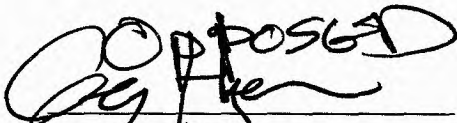
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION VII – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.


Adopted this 12th day of November 2020



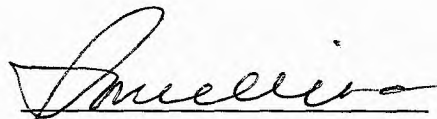
Greg Hyer, Chair



Jeff Baylis, Supervisor #2



Paul Correll, Supervisor #4



Patty Mullins, Supervisor #1

Greg Haack, Supervisor #3

ATTEST TO:



Nancy Meinholz, Town Clerk