

TOWN OF FORT WINNEBAGO NOISE CONTROL ORDINANCE

The Town Board of the Town of Fort Winnebago, Columbia County, Wisconsin, does ordain as follows:

SECTION 1. TITLE This Ordinance is entitled the "Town of Fort Winnebago Noise Control Ordinance." This Ordinance repeals and replaces any previously adopted Town Ordinance covering the subject matter of this Ordinance.

SECTION 2. AUTHORITY AND PURPOSE

The Town of Fort Winnebago recognizes that excessive noise is a serious threat to the public health and welfare, public safety, quality of life and property values. It is the policy of the Town to prevent and abate excessive noise which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the Town.

SECTION 3. PROHIBITION OF NOISES DISTURBING THE PUBLIC PEACE

(1) **General.** No person or entity shall make, cause to be made, or assist in making any sounds or noises so loud as to unreasonably disturb the peace and quiet of persons of normal sensibilities in the surrounding vicinity.

(2) **Outdoor Public Address Systems and Amplifiers.** No person or entity occupying or in charge of any premises located outside of a fully enclosed building or structure, or part thereof, shall use or operate on those premises, or allow others to use or operate on those premises, any public address system, instrument, amplifier, machine or other device which increases the volume of voice, music or other sounds so loud as to unreasonably disturb the public peace or the quiet and peacefulness of persons of ordinary sensibilities in the surrounding neighborhood. The restriction shall not apply to the following:

(a) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sounds brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation or public safety of the protection of health, safety and welfare of any person or property;

(b) Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of a person or property or to any noise;

(c) The operation of authorized emergency vehicles or law enforcement vehicles;

(d) Any outdoor dance, show, presentation, amusement, musical event and other similar event for which a permit or license is obtained pursuant to the Town of Fort Winnebago Special Events Permit Ordinance.

(e) Sounds disturbing only those persons located on the same premises upon which the sound is generated.

(3) **Content not to be Considered.** The content of music, voices or other sounds shall not be considered in applying this Ordinance.

SECTION 4. 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 5. PENALTIES

- (1). **First Offense.** Any person or entity who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00, nor more than \$500.00, together with the costs of prosecution.
- (2). **Subsequent Offense.** Any person or entity found guilty of violating this ordinance who shall previously have been convicted of a violation of this same ordinance shall, upon conviction thereof, forfeit not less than \$250.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution.

SECTION 6. INJUNCTION: ADDITIONAL REMEDY

Any violation of this Ordinance shall be deemed and is declared to be, a public nuisance. Accordingly, anyone violating this Ordinance, in addition to other remedies, shall be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 7. 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.

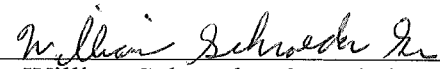
SECTION 8. EFFECTIVE DATE

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

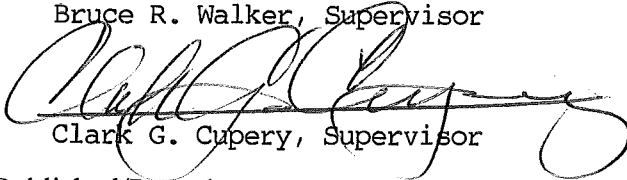
Adopted this 6th day of May, 2013



Bruce R. Walker, Supervisor



William Schroeder, Sr., Chairperson



Clark G. Cupery, Supervisor

Attest: 
Kristine Conway, Clerk

Published/Posted: _____, 2013