

Ordinance No. 2023-0403.1

**AN ORDINANCE AMENDING THE NOISE PROVISION OF
THE TOWN OF JANESVILLE ZONING ORDINANCE**

WHEREAS, the Town of Janesville has determined that it is appropriate to amend the noise provision of its Zoning Ordinance (Section 12.6 of said Ordinance);

NOW, THEREFORE, the Town Board of the Town of Janesville hereby ordains:

SECTION I. Section 12.6 of the Zoning Ordinance, regulating noise in the Town of Janesville, is hereby repealed in its entirety and replaced with the following:

12.6 Prohibited Loud, Unusual or Unnecessary Noises

1. Excessive noise is a hazard and detrimental to public health, welfare, safety, and quality of life. Excessive noise endangers physical and emotional health and wellbeing. It can depress property values, offend the senses, and create a public nuisance. However, it must be considered that the Town of Janesville is a rural community. As such, it is expected that a certain amount of noise will be generated in the normal course of rural life.
2. With these considerations, it shall be unlawful to create or cause to be created unreasonably loud, unusual, or unnecessary noise. Any such noise shall be considered to be a noise disturbance and a public nuisance.
 - 2.1 Noise shall be considered unreasonable and/or unnecessary when it is chronic (recurring; constant; habitual) and disturbs, injures or endangers health, safety or the welfare of the community.
 - 2.2 Noise shall be considered unusual when it is a noise that is not customarily generated in the area from which the noise is generating, with consideration given to the zoning of the property upon which the noise is generating.
3. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - 3.1 "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
 - 3.2 "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

3.3 "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity.

4. Standards

4.1 No person shall cause, allow or permit sound from any source which, when measured 25 feet from the real property boundary of the property that is the source of the sound, is in excess of the following standards:

4.1.1 Between the hours of 8:00 a.m. and 10:00 p.m., the continuous sound level shall not exceed an A-weighted sound pressure level of 95 dB(A).

4.1.2 Between the hours of 10:00 p.m. and 8:00 a.m., the continuous sound level shall not exceed an A-weighted sound pressure level of 85 dB(A).

4.2 Any noise measured to be in excess of the limits set forth in this subsection 4 shall be a violation of this noise ordinance. Said measurement shall be taken with a decibel reader owned and maintained by the Town of Janesville.

5. Loud, unusual or unnecessary noises prohibited; criteria.

5.1 Consistent with other provisions of this section, and in addition thereto, it shall also be unlawful for any person to make, produce, cause, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.

5.2 The standards which shall be considered in determining whether a violation of this subsection 5 exists shall include, but shall not be limited to the following:

5.2.1 The frequency of the noise;

5.2.2 The intensity of the noise;

5.2.3 Whether the nature of the noise is usual or unusual, with consideration given to the zoning of the property from which the noise is generating;

5.2.4 Whether the origin of the noise is natural or unnatural;

5.2.5 The frequency and intensity of the ambient noise, if any;

5.2.6 The proximity of the noise to residential sleeping facilities;

5.2.7 The nature and land use of the area from which the noise emanates

5.2.8 The population density of the inhabitation of the area from which the noise emanates;

5.2.9 The time of the day the noise occurs;

5.2.10 The duration of the noise; and

5.2.11 Whether the noise is recurrent, intermittent, or constant.

5.3 For the purposes of this subsection 5, three (3) or more written notices by the Town of Janesville to a person who has made, produced, caused, continued or allowed to be produced any unreasonably loud, unusual or unnecessary noise may result in referral to the Town Board for consideration of legal action by the Town against the alleged offender. The Town of Janesville Town Board shall evaluate all such referrals on a case-by-case basis. Consideration by the Town Board of any such referral may or may not result in the Town of Janesville initiating legal proceedings against the alleged offender. Regardless of the Town's decision to initiate a legal action against an alleged offender or not, private citizens retain the right to bring private nuisance actions against alleged offenders.

5.4 A designated enforcement official of the Town of Janesville, may, if he or she has reasonable suspicion to believe a violation of this ordinance, is being committed in his or her presence, view, or hearing, issue a report to the Town Board.

5.5 No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

6. Penalties or remedies. Refer to section 2.4 Penalties of the General Provisions of the Town of Janesville Zoning Ordinance

7. Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

7.1 Use of domestic power equipment for property maintenance, alterations, repair, or construction (including but not limited to power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills, or similar devices).

7.2 Any farm tractor or any implement of husbandry designed primarily or exclusively for use in agricultural operations.

7.3 Any aircraft operations including in flight or in the act of landing or taking off in accordance with the Federal Aviation Regulations.

7.4 Occasional events at private residences such as graduation parties or wedding receptions.

7.5 Loud, unusual or unnecessary noises otherwise permitted (such as, but not limited to, approved conditional uses, industrial noise on property that is zoned M-1, etc.) or approved in writing by the Town of Janesville.

SECTION II. All other provisions of the Zoning Ordinance shall remain in full force and effect.

SECTION III. This Ordinance amendment will take effect and be in force after passage and publication as required by law.

ADOPTED by the Town Board of the Town of Janesville on the _____ day of _____, 2023.

TOWN OF JANESVILLE

By: _____
Bruce Schneider, Town Chair

Attest:

Don Blakeney, Town Clerk

Date Passed: _____

Date Published: _____