

Chapter 284

NOISE

[HISTORY: Adopted by the Common Council of the City of Bayfield 11-9-2004 by Ord. No. 322. Amendments noted where applicable.]

GENERAL REFERENCES

Barking dogs — See Ch. 126.
Blasting and rock crushing — See Ch. 140.
Fireworks — See Ch. 229.
Nonmetallic mining — See Ch. 278.
Nuisances — See Ch. 289.
Peace and good order — See Ch. 306.
Snowmobiles and ATVs — See Ch. 337.
Zoning — See Ch. 500.

§ 284-1. Definitions.

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"A" BAND LEVEL — The total pressure level of all sound as measured with a sound level meter using the A-weighted scale. The unit is the dbA. The A-weighted scale is designed to correct decibel readings to account for the fact that the human ear is less sensitive to low pitched sounds than it is to high pitched sounds.

AMBIENT SOUND — Ambient sound should be the all-encompassing level of sound associated with a given environment, usually being a composite of sounds with many sources near and far.

BAND-PRESSURE LEVEL — "Band-pressure level of a sound for a specified frequency band" shall mean the sound-pressure level for the sound contained within the restricted band.

COMMERCIAL PURPOSE — Shall mean and include the use, operation, or maintenance of any sound-amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

COMMERCIAL ZONE — Any geographic area designated as a commercial district under the City of Bayfield Zoning Plan.

CYCLE — The complete sequence of values of a periodic quantity, which occurs during a period.

DECIBEL (db) — A unit of level which denotes the ratio between two quantities which are proportional to power, the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

EMERGENCY WORK — Work made necessary to restore property to a safe condition following

a public calamity or work required to protect persons or property from and imminent exposure to danger.

FREQUENCY — "Frequency of a function periodic in time" shall mean the reciprocal of the primitive period. The unit is hertz.

IMPULSIVE SOUND — A sound of short duration, usually less than one or two seconds, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of fireworks or firearms.

MICROBAR — A unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter or approximately 1/1,000,000 of normal atmospheric pressure.

MOTOR VEHICLE — Any vehicle such as, but not limited to, a passenger vehicle, truck, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, mopeds, go-carts, and any other vehicle which is self-propelled.

NOISE DISTURBANCE — Sound or a sound that is loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear, which is or may be harmful or injurious to the health or welfare of a reasonable person with normal sensitivities or which unreasonably interferes with the enjoyment of life, property or outdoor recreation. Any sound exceeding the permissible sound pressure levels established in this chapter is noise disturbance.

NONCOMMERCIAL PURPOSE — The use, operation, or maintenance of any sound equipment for other than a commercial purpose. Noncommercial purpose shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.

OUTDOOR AMPLIFIED SOUND — Any sound using amplifying equipment whose source is outside a building or other structure or whose source is inside a building or other structure where the sound propagates to the outside through open doors or windows or other openings in the building.

PERIOD — "Period of a periodic quantity" shall mean oscillating quantity, the values of which recur for equal increments of time.

REAL PROPERTY LINE — An imaginary line along the ground surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person or from any public space, excluding intrabuilding real property divisions.

RESIDENTIAL ZONE — Any nonpublic geographic area not designated as a commercial zone under the City of Bayfield Zoning Plan.¹

SOUND — A vibration disturbance in the pressure and density of a fluid or in the elastic strain in a solid with frequency in the approximate range between 20 and 20,000 hertz, capable of being detected by the organs of hearing.

SOUND ANALYZER — A device for measuring the band pressure level or pressure spectrum

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

level of a sound as a function of frequency.

SOUND-AMPLIFYING EQUIPMENT — Any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile is installed. Sound-amplifying equipment, as used in this chapter, shall not include warning devices or authorized emergency vehicles or horns or other warning devices on any vehicle used for traffic safety purposes.

SOUND-LEVEL METER — An instrument including a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound levels in a specified manner.

SOUND-PRESSURE LEVEL — Sound-pressure level in decibels of a sound shall mean 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

SPECTRUM — "Spectrum of a function of time" shall mean a description of its resolution into components, each of a different frequency.

§ 284-2. Decibel measurement criteria.

Any decibel measurement made pursuant to the provisions of this chapter shall be based on a reference sound pressure of 0.0002 microbars as measured in any octave band with center frequency, in hertz, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 or as measured with a sound level meter using the A-weighted scale. A sound pressure level of 0.0002 microbars is approximately the weakest sound that can be heard by a person with very good hearing. This quantity represents the threshold of audibility and is equal to zero decibels, the lowest point of the decibel scale of noise levels. The range of the decibel scale is from zero, at which the human ear receives little or no sensation, even though some energy may be present, to approximately 120 decibels, where the sound becomes extremely intense.

§ 284-3. Schools and churches.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school or church while the same is in use, which noise unreasonably interferes with the workings of such institution provided conspicuous signs are displayed in such streets, sidewalk or public place indicating the presence of a school or church.

§ 284-4. Certain noises and noise disturbances prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance, as defined in this chapter, or any loud, disturbing and unnecessary noise, or any excessive loud and raucous noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, with the City of Bayfield above limits referred to in Table A herein.²

2. Editor's Note: Table A follows § 284-7A of this chapter.

§ 284-5. Radio, television sets and similar devices.

(Reserved for future use.)

§ 284-6. Machines, equipment, fans and air conditioning.

(Reserved for future use.)

§ 284-7. Continuous sources of sound.

A. The maximum permissible sound pressure levels of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes but is not limited to, amplified music, and sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the City, in times herewith listed, shall constitute prima facie evidence that such sound is an unnecessary noise. Sound pressure level shall be measured at a distance of approximately 150 feet (approximately) from the property line of the source of the objectionable sound or at the point on the property line of the complainant that is nearest to the source of the objectionable sound, whichever is closer. Sound pressure levels shall be measured at a height of at least four feet above the immediate surrounding surface on a sound level meter of standard design and operated of the A-weighted network.³

Table A

Receiving Land Use Zoning Category	Time	Sound Pressure Limit (dbA)
Commercial Zone	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7 a.m.	55
Exceptions not requiring a permit:	Friday, 5:00 p.m. to 11:00 p.m.	70
	Saturday, 10:00 a.m. to 12:00 midnight	70
	Apple Festival - Friday/Saturday, 10:00 a.m. to 11:00 p.m.	70
	Apple Festival - Sunday, 10:00 a.m. to 7:00 p.m.	70

One-day exceptions requiring a permit: Any day, 10:00 a.m. to 11:00 p.m.

The Sunday of Memorial Day weekend, and the Sunday of Labor Day weekend and the Fourth of July will have the same hours and sound pressure limits as Saturdays.

Special permits for the creation of "noise" for picnics, parties, and fund-raisers may be issued by

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the City Clerk upon approval of the City Council. Permits may be issued by the City Clerk upon approval of the City Council for special private functions, such as weddings, anniversaries.

Residential Zones	7:00 a.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	45

Special permits for the creation of "noise" for picnics, parties, and fund-raisers may be issued by the City Clerk upon approval of the City Council. Permits may be issued by the City Clerk upon approval of the City Council for special private functions, such as weddings, anniversaries.

B. This following are exempt from the requirements of this chapter:

- (1) Any bell or chime or any device for the production or reproductions of the sound of bells or chimes from any church, clock or school;
- (2) The loading or unloading of any trucks;
- (3) Domestic power equipment;
- (4) Emergency services;
- (5) Commercial marine vessels;
- (6) Windsleds;
- (7) Fog horn;
- (8) Noon whistle;
- (9) Commercial power equipment;
- (10) Motor vehicles operating on public right-of-way but shall apply to motor vehicles parked on public right-of-way and on private property; and
- (11) Noise from lawful fireworks on holidays.

§ 284-8. Construction. ⁴

- A. Except as otherwise provided in this chapter, no person shall engage in, cause or permit any person to be engaged in construction activities in any residential or commercial district between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day.
- B. Construction activities directly connected with the abatement of an emergency are excluded from the provisions of this section.

§ 284-9. Power equipment.

(Reserved for future use.)

§ 284-10. Power tools.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(Reserved for future use.)

§ 284-11. Additional regulations.

(Reserved for future use.)

§ 284-12. Owner responsibility.

It shall be unlawful for any person who is the owner, occupant, or is in control of, any premises to permit any noise prohibited under any section of this chapter to be created in, or emanate from, such premises.

§ 284-13. Alcohol beverage license.

(Reserved for future use.)

§ 284-14. Violations and penalties.

- A. Any person who violates this chapter shall receive an oral warning to cease or abate the noise immediately, or within a reasonable time period. If this is not obeyed a citation will be issued to the owner. If a second offense is committed in the same day, the sound source, if amplified, shall be unplugged for the rest of the evening. The following forfeiture schedule applies to violations within the same liquor license period, or for one calendar year.
- (1) First offense: Verbal and/or written warning (this is informal, without a written citation or complaint which is filed with the court).
 - (2) Second offense: Forfeiture of \$110 plus applicable court costs, penalty assessments and other amounts imposed by the court. No mandatory suspension.
 - (3) Third offense: Forfeiture of \$250 plus applicable court costs, penalty assessments and other amounts imposed by the court. No mandatory suspension.
 - (4) Fourth offense: Forfeiture of \$500 plus applicable court costs, penalty assessments and other amounts imposed by the court plus a mandatory five-day suspension of alcohol beverage license if the violator holds an alcohol beverage license.
 - (5) Fifth offense: Forfeiture of \$1,000 plus applicable court costs, penalty assessments and other amounts imposed by the court plus a mandatory ten-day suspension of alcohol beverage license if the violator holds such a license.
 - (6) Sixth and subsequent offenses: Forfeiture of \$2,000 plus applicable court costs, penalty assessments and other amounts imposed by the court plus a mandatory suspension of alcohol beverage license for the balance of the present term of such alcohol beverage license.
- B. In addition to the penalties stated above, any violator of any term or provision of this chapter shall pay the costs of prosecution, including any reasonable attorney fees incurred by the City of Bayfield, which amount shall be added to the forfeiture of a second offense and any subsequent offense.