

TOWN OF GIBRALTAR ORDINANCE NUMBER 2014-04
NOISE ORDINANCE

The Town Board of the Town of Gibraltar does hereby ordain as follows:

Section 1: Title/Purpose

This ordinance shall be known as the Noise Ordinance.

This ordinance is intended to further public safety and welfare by the establishment of limits on noise within the Town, all as set forth below.

Section 2: Authority

The Town Board of the Town of Gibraltar has the specific authority, powers and duties pursuant to Chapter 60, Wis. Stats., pursuant to the specific statutory sections noted in this ordinance, and/or by its adoption of village powers under Section 60.10, to regulate and control certain uses, activities and operations in the Town of Gibraltar.

The Town Board of the Town of Gibraltar has been granted village powers pursuant to Section 60.10 Wis. Stats.

Section 3. Applicability

This ordinance shall apply throughout the Town of Gibraltar.

Section 4: Adoption of Ordinance

The Town Board of the Town of Gibraltar has, by adoption of this ordinance, confirmed the statutory authority, powers and duties noted in the specific sections of this ordinance and has established by these sections and this ordinance the regulation and control of certain uses, activities and operations in the Town of Gibraltar.

Section 5: Noise Limits

Except as provided herein, during the hours from 10 p.m. to 6 a.m. the following morning, no person shall operate or cause to be operated any source of sound, or otherwise create sound, anywhere within the Town of Gibraltar, whether on public property or private property, at sound levels exceeding 70 db(A) measured at the setback line for principal structures on any adjacent parcel (as determined by zoning ordinances in effect for that parcel at the time of measurement).

Parcels separated by a street are considered adjacent parcels for purposes of this ordinance. In the case of a condominium, the outer boundaries of the condominium are considered to be one entire, contiguous parcel, without regard to separate unit boundaries within the condominium.

Section 6: Exemptions

The restrictions set forth in this ordinance shall not apply to the following sources of noise:

- a. Aircraft operating in accordance with federal law;
- b. Emergency short-term operations necessary to protect public health and welfare;
- c. Any noise required specifically by law for the protection, health, welfare or safety of persons or property;
- d. Agricultural uses made in conjunction with *bona fide* agricultural activities;
- e. Sport shooting ranges that are covered by the provisions of sec. 895.527 Wis. Stats;
- f. Motor vehicles. [Separate statutes and ordinances apply to motor vehicles.]

Section 7: Violations

1. Citations

- a. This ordinance shall be enforced by the issuance of a citation by the Gibraltar Police Department or any person authorized to do so by the Town Board. The Town will prosecute the violation(s) according to Wisconsin law and Town ordinance, specifically, but not limited to, provisions of Section 66.12, Wis. Statutes.
- b. The citation shall include the following:
 - i. Name and address of the alleged violator;
 - ii. Factual allegations describing the alleged violation;
 - iii. Time and place of offense;
 - iv. Section number of ordinance violated;
 - v. A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so;
 - vi. The time at which the violator may appear in court;
 - vii. Penalty for violation of the ordinance.
- c. Injunctive relief may be sought at the discretion of the Town.
- d. Each day of violation shall be considered an additional violation.

2. Penalties and Remediation

Any person who shall violate any provisions of this ordinance may be subject to a forfeiture of \$250 for the first offense and shall be subject to a forfeiture of \$500 for subsequent offenses.

Section 8: Severance Clause

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of the ordinance.

This ordinance shall take effect upon passage and publication as provided by law.

Dated this 4th day of June, 2014.

TOWN BOARD FOR THE TOWN OF GIBRALTAR

Brian Merkel, Chairman

Dick Skare, Supervisor

Steven Sohns, Supervisor

Brian Hackbarth, Supervisor

Karl Stubenvoll, Supervisor

Beth Hagen, Clerk