

**TOWN OF GARFIELD
POLK COUNTY, WISCONSIN**

ORDINANCE NO. 1 - 2022

**AN ORDINANCE TO PROHIBIT LOUD AND UNNECESSARY NOISE IN THE
TOWN OF GARFIELD, POLK COUNTY, WISCONSIN**

The Town Board of the Town of Garfield, Wisconsin, hereby ordains as follows:

- 1) 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 knowingly to 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 surrounding property is disturbed or annoyed. Any sound in excess of 80 decibels, measured (a) at the property line of private property occupied by a person who complains of being disturbed or annoyed by sound emanating outside such property or (b) fifty (50) feet of the source of such sound on public property, shall be prima facie evidence of a violation of this Ordinance.
- 2) Types of loud and unnecessary noises. The following acts, though not an exclusive list, are deemed to be loud, disturbing and unnecessary noises in violation of this Ordinance:
 - a) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Town for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is stopped for any reason.
 - b) Radios, CD or DVD players, tape players, media players, phonographs, musical instruments, and similar devices. The using, operating or permitting to be played, used or operated any musical instrument, radio or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any such 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 either (a) the property line of any private property on which such machine or device is located, or (b) within fifty (50) feet of the location of such machine or device on public property, including from a vehicle on public roads or public land, shall be prima facie evidence of a violation of this section.
 - c) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.

- d) Exhausts. The discharge into the open air of the exhaust of any engine.
 - e) Schools, courts, churches, hospitals. The creation of any excessive noise adjacent to any school, institution of learning, or church while in use, which unreasonably interferes with the normal operation of that institution.
 - f) Any noise which injures or endangers the repose, health, or safety of others.
- 3) Exceptions. The provisions of this section shall not apply to:
- a) Any vehicle of the Town while engaged in necessary public business.
 - b) 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.
 - c) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.
 - d) Agricultural, commercial excavating, or logging activities.
 - e) Legal discharge of firearms.
 - f) Occasional celebrations for holidays, weddings, graduation, reunions, or similar events for which a permit has been issued. The issuance of any such permit shall be at no cost to the applicant.
- 4) Enforcement and Penalties.
- a) The provisions of this Ordinance shall be enforced by citations pursuant to Town of Garfield Ordinance No. 2-2008.
 - b) The penalties for violations of this Ordinance shall be as follows:
 - i) No enforcement action will be taken by the Town for a period of seven days following receipt of a complaint, other than encouragement of a private resolution of a noise dispute.
 - ii) In the absence of a satisfactory resolution following seven days, a warning shall be issued for the first violation of this Ordinance.
 - iii) The penalty for a second violation of this Ordinance shall be a fine of \$500.00.
 - iv) The penalty for a third violation and any violation thereafter shall be a fine of \$1,000.00.
 - c) The Town Board hereby amends the Town of Garfield's schedule of cash deposits to include the penalties listed in Section 4(b) of this Ordinance.

- 5) Effective Date. This Ordinance shall be effective June 1, 2022.
- 6) Severability. If any provisions of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or applications.

Adopted by the Town Board on April 12, 2022.

TOWN OF GARFIELD

By: Ed Gullickson
Ed Gullickson, Chairman

Attest: Sue Knutson
Sue Knutson, Town Clerk

Published: May 10, 2022