



AN ORDINANCE: By the Public Services and Safety
Committee
Re: Amending Article IV – Division 3: NOISE

ORDINANCE NO. 2019-14
Introduced: June 5, 2019
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 11-144 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

Decibel or dB means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

Section 11-145(b) of the Code of Ordinances of the City of Neenah is stricken in its entirety.

- ~~(b) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:~~
 - ~~(1) The proximity of the sound to sleeping facilities, whether residential or commercial;~~
 - ~~(2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;~~
 - ~~(3) The time of day or night the sound occurs;~~
 - ~~(4) The duration of the sound; and~~
 - ~~(5) Whether the sound is recurrent, intermittent, or constant.~~

Section 2. Section 11-145(c) of the Code of Ordinances of the City of Neenah is amended by recodifying it to 11-145(b).

Section 3. Section 11-146 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

(14) Exhaust. The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device, which effectively prevents loud or explosive noises therefrom.

(15) Automobiles, motorcycles, etc. The use of any automobile, motorcycle, or other vehicle in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

Section 4. Section 11-146.5 is created to read as follows:

Sec. 11-146.5 Acceptable Sound Levels

The following levels represent the maximum decibel level allowable within the City by zoning area.

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|--|--------|
| Residential, public spaces, agricultural, or institutional – 7:00 am to 7:00 pm | 75 dBA |
| Residential, public spaces, agricultural, or institutional – 7:00 pm to 11:00 pm | 65 dBA |
| Residential, public spaces, agricultural, or institutional – 11:00pm to 7:00 am | 60 dBA |
| Commercial and Industrial – 7:00 am to 7:00 pm | 75 dBA |
| Commercial and Industrial – 7:00pm to 7:00 am | 70 dBA |
| Entertainment – 2:00 pm – 2:00 am | 75 dBA |
| Entertainment – 2:00 am – 2:00 pm | 70 dBA |

Section 5. Section 11-147 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

Sec. 11-147. - Exemptions.

Sounds caused by the following are exempt from the prohibitions set out in Section 11-146 and are in addition to the exemptions specifically set forth in that section:

- (1) ~~Motor vehicles on traffic ways of the City, provided that the prohibitions of Subsections 11-146(2), (5), and (6) continue to apply.~~
- (2) Repairs of utility structures, which pose a clear and immediate danger to life, health, or significant loss of property.
- (3) (2) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Subsection 11-146(4) continues to apply.
- (34) 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.
- (45) Repairs or excavations of bridges, streets or highways by or on behalf of the City, the County, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- (65) Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- (76) Other outdoor events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

Section 6. Section 11-148(c) is created to read as follows:

(c) Notwithstanding the provisions in this section, muffler violations may be enforced without the use of decibel readers following State Statute.

Section 7. Section 11-147 is amended by adding the highlighted language to read as follows:

(8) *Lawn mowers; garden tools; powered equipment.* Powered equipment such as lawn mowers, small lawn and garden tools, riding tractors, snow removal equipment, or similar item which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this article, shall be exempted from the provisions of 11-146.5. No person shall operate such equipment, with the exception of snow removal equipment after a snowfall of more than four inches, during the hours of 9:00 p.m. through 7:00 a.m. inclusive.

Section 8. Section 11-146 is amended by deleting the stricken language and adding the highlighted language to read as follows:

~~(12) Lawn mowers, leaf blowers, and similar devices. In residential or noise sensitive areas, between the hours of 9:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. Notwithstanding the foregoing, this prohibition shall not apply to the use of snow blowers following any snowfall of four or more inches.~~

(12~~3~~) Commercial establishments adjacent to residential property. Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, including waste and recycling collections, between the hours of 10:00 p.m. and 6:00 a.m. which is plainly audible at a distance of five feet from any residential property.

Section 9. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 10. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Motion: Ald. Bates/Lendrum

Adopted: 9-0 June 19, 2019

Published: June 24, 2019

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia Stern, City Clerk