

Section I

**Definitions.**

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terminology used in this Ordinance, not defined as follows, shall be in conformance with applicable publications of the American National Standard Institute (ANSI) or its successor body.

**A-weighted sound 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) or dBA.

**Decibel (db)** means a unit of measuring the volume of sound.

**Noise disturbance** means any sound which endangers or injures the safety or health of humans or animals, or exceeds the maximum permissible sound levels of this Ordinance.

**Sound level meter** means an instrument which includes a microphone amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

**Violation of Ordinance; penalties.**

Any violation of this Ordinance is a civil infraction, and any person convicted of a violation by a court of competent jurisdiction, as a first offense, shall forfeit an amount not to exceed \$100.00 plus court costs. Any person convicted of a violation of this Ordinance by a court of competent jurisdiction, as a second offense within a one-year period of time, shall forfeit an amount not to exceed \$150.00 plus court costs, and if convicted of a third offense within a one-year period, shall forfeit an amount not to exceed \$200.00 plus court costs. Failure to pay forfeiture within 60-days may result in imprisonment in the county jail for not more than 10-days. Further, no forfeiture shall be imposed for any violation based upon defective vehicular equipment upon receipt of certification by a law enforcement agency that repair was made within 15 days of the date of is-

**Prohibited acts; exception.**

No person or business establishment shall unreasonably make, continue or cause to be made or continued any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any private space or public right-of-way shall be exempt from the operation of this ordinance.

**Maximum permissible sound levels.**

No person or business establishment shall create, operate or cause to be operated on private property any source of sound in such a manner as to create a sound level as measured on the property of another the limits set forth in Table I of this section. The exceeding of the limits as set forth in Table I, when measured at or within the property of another, shall be deemed prima facie to be a noise disturbance.

Table I

Receiving Land Use Category	Time	A-weighted Sound Level Limit (in dBA)
RS-20, R-M	9:00 p.m. to 8:00 a.m.	70
RS-20, R-M	8:00 a.m. to 9:00 p.m.	75
C-C, M-G,	9:00 p.m. to 8:00 a.m.	72
C-C, M-G	8:00 a.m. to 9:00 p.m.	77
G-M	9:00 p.m. to 8:00 a.m.	76
G-M	8:00 a.m. to 9:00 p.m.	81

There shall be no prohibitive sound levels on lands that are designated "open forest", "forest", or "agriculture".

The land use categories shall be as defined in the zoning ordinances for the County of Florence. \*(See land use designation at the end of this Ordinance.)

**Motor vehicle noise limits.**

A motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding one of the following limits at a distance of 50 feet, except as provided in subsection (4) of this section:

A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross vehicle weight ratings of 8,500 pounds or more:

- a. Ninety dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;
- b. Eighty-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour; and
- c. Eighty-eight dB(A) under stationery runup test.

A motorcycle or moped:

- a. Eighty-six dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;
- b. Eighty-two dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour; and
- c. Ninety-five dB(A) under stationary runup test at 75 inches

A motor vehicle or combination or vehicles towed by a motor vehicle not covered in subsections (1) an (2) of this section:

- a. Eighty-two dB(A) if the maximum lawful speed on the highway or street is greater than 35 miles per hour;
- b. Seventy-six dB(A) if the maximum lawful speed on the highway or street is not more than 35 miles per hour; and
- c. Ninety-five dB(A) under stationary runup test 20 inches from the end of the tailpipe.

This article shall not apply to police, fire, ambulance or other emergency vehicles while in public use.

it standards and text instrumentation; sound level

(a) A sound level meter shall be used which has the capacity to give measurement of sound using the A-weighted network and measurements recorded in terms of dB(A). The sound level meter shall meet or exceed the requirements for a type 2 sound level meter as specified in American National Standard Specifications for Sound Level Meters (ANSI S 1.1 1971), approved April 27, 1971, issued by the American National Standards Institute.

(b) Test instrumentation and procedures used for implementation and enforcement of this article shall substantially conform with applicable standards and recommended practices established by the Society of Automotive Engineers and the American National Standards Institute for the measurement at other than the distance specified in this article, provided that the decibel limits applied at the other distances are adjusted accordingly.

## Section II

### **Motor Vehicles-Limitation on audible range of electronically amplified sound systems.**

Notwithstanding any other provision of the Code of Ordinances for the town, no person operating or in control of a parked or moving vehicle (including motorcycles and mopeds), shall operate or permit the operation of an electronically amplified sound system in or on the vehicle so as to produce sound that is clearly audible more than 50 feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m. or clearly audible at a distance of 25 feet from the vehicle from the hours of 11:00 p.m. and 7:00 a.m.

(1) **Municipal civil infraction.** A person who violates any provisions of this section and found guilty of the same, by clear and convincing evidence, shall be subject to a payment of a civil forfeiture not less than \$50.00 plus court costs for the first offense, \$100.00 plus court costs for the second offense if committed within one-year of the first offense, and \$250.00 plus court costs for a third offense, if committed within a period of one-year from the first offense. Failure to pay the forfeiture within 60-days from the date of conviction, may result in imprisonment in the county jail for not more than 10 days.

(2) **Public Nuisance.** A violation of any provision of this section shall be deemed a public nuisance.

This Ordinance shall take effect after being approved by the Town Board of the Town of Florence and upon publication of the same.

\*Land Use Designation:

- 1) RS-20.....Residential
- 2) CC.....Community Commercial
- 3) M-G.....Manufacturing
- 4) G-M.....General Manufacturing
- 5) R-M.....Residential/Multi-Family

Dated this 28th of August, 2000



Ray Steber-Chairman, Town of Florence



Judith Gehlhoff-Clerk/Treasurer, Town of Florence