

CHAPTER 8

NUISANCE NOISE ORDINANCE

8.1 PURPOSE

The purpose of this ordinance is to provide for a uniform set of regulations to regulate noise nuisances.

8.2 INTENT

It is the intent of this ordinance to promote the public health, safety, welfare and comfort of the general public within the Town of Fremont.

8.3 SCOPE OF REGULATIONS

Except as may otherwise be noted herein, the regulations of this ordinance shall govern noise nuisances in the Town of Fremont.

8.4 DEFINITIONS

Nuisance Noises are defined as follows:

- (1) Frequent repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors.
- (2) Frequent, repetitive or continuous sounding of horns or sirens except as a warning.
- (3) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, or off-highway vehicle so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.
- (4) The creation of frequent, repetitive or continuous noise by use of a musical instrument, whistle, sound amplifier, stereo, radio, television, or other device capable of reproducing sound so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.
- (5) Sound from a motor vehicle audio system which is plainly audible by a person of normal hearing at a distance of 75 feet or more from the vehicle itself and which lasts for more than 30 seconds
- (6) Sound from a portable audio equipment which is operated at such a volume that it is plainly audible by a person of normal hearing at a distance of 75 feet or more from the vehicle itself and which lasts for more than 30 seconds

8.05 ENFORCEMENT

(1) Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be subject to a forfeiture of not less than \$10 no more than \$200, together with the costs of the action. Each day the violation exists shall constitute a separate violation and be punishable as such.

(2) The Building Inspector, or his/her designee, shall have the authority, as may be necessary, to enforce and administer this ordinance.

8.6 REGULATIONS

It shall be unlawful for any person to make or cause to be made any of the nuisance noises as defined under this ordinance at any time. Such noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of the community. Nuisance noises shall be considered to be a public nuisance and an unlawful noise disturbance regardless of the time of day.

The following noises are exempt from the provisions of the ordinance:

- (1) Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations.
- (2) Noise created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
- (3) Noise created by emergency work necessary in the interest of law enforcement or for the health, safety, or welfare of the community.
- (4) Noise created by unmodified motor vehicles operating on public highways.
- (5) Noise originating from officially sanctioned parades, sporting events, and other public events.
- (6) Noise created by natural phenomenon;
- (7) Noise created by unamplified human voices except yelling, shouting, or otherwise making loud and raucous noise which unreasonably disturbs or interferes with the peace, comfort, and repose of owners or possessors of real property.

(8) Noise created by from school marching bands while practicing or parades on public streets.

(9) Noise created by ships and other vessels engaged in interstate commerce.

(10) Noise from events for which a Town permit was obtained

(11) Noise created by boats and other vessels navigating in adverse weather conditions such as fog.

(12) Noise from agricultural activities including the planting and harvesting of crops and the sounds of farm animals including horses, cattle, pigs, sheep, goats, llamas and alpacas.

(13) Noise from firearm discharge at property authorized shooting range.

8.7 APPEALS

The Town Board shall be the final authority on any appeals of the enforcement of nuisance noises.

8.8 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If an application of this ordinance to a particular sign or sign structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said judgment.