

ORDINANCE

AN ORDINANCE to amend Municipal Code Sections 9-2-5 B(2)(b) Radios, phonographs, similar devices; 9-2-5 C(1)(a) Noise Limits and; 9-2-5 D the causing of vibrations from excessive sound generation, entitled loud and unnecessary Noises.

The Council of the City of Two Rivers ordains as follows:

SECTION 1. That Section 9-2-5 B(2)(b) Radios, phonographs, similar devices of the Municipal Code shall hereby be amended as follows:

- (2) Radios, phonographs, similar devices.
 - (b) The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 6:00 a.m Sunday through Thursday, and between the hours of 11:00 p.m. and 6:00 a.m. Friday and Saturday in a manner as to be plainly audible within an enclosed structure used for residential purposes and located on a residentially zoned parcel shall be prima facie evidence of a violation of this section. Violations of this subsection shall require the verification by an officer and an identified complainant.

SECTION 2. That Section 9-2-5 C(1)(a) Noise limits of the Municipal Code shall hereby be amended as follows:

C. Noise limits.

- (1) Maximum permissible sound levels.
 - (a) Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels as measured on an A-weighted scale (dbA) and measured as outlined in subsection G.(2) below. "Business to residential" readings are sound pressure levels emanating from a parcel zoned business as measured on a parcel zoned as residential. "All other zones to residential" are sound pressure levels emanating from a parcel zoned other than residential or business as measured on a parcel zoned as residential.

Times	Zone				
	Residential [db(A)]	Business [db(A)]	All Other Zones [db(A)]	Business to Residential [db(A)]	All Other Zones to Resi- dential [db(A)]
Daytime—6:00 a.m. to 10:00 p.m. Sun-Thurs; 6:00 a.m. to 11:00 p.m Fri-Sat	60	70	75	65	75
Nighttime—10:00 p.m. to 6:00 a.m. Sun- Thurs; 11:00 p.m to 7:00 a.m. Fri-Sat	50	70	75	60	75

SECTION 3. That Section 9-2-5 D the causing of vibrations from excessive sound generation of the Municipal Code shall hereby be amended as follows:

D. The causing of vibrations from excessive sound generation. The creation of sound waves by any operation or activity of such frequency and/or decibel levels that the sound causes vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence beyond the lot line of its source which would unreasonably disturb or unduly annoy occupants, detectable by either visual observation, touch or by secondary audible noise emanating from the personal property resulting from the vibration of such objects by sound waves originating from outside of the residence between the hours of 10:00 p.m. and 6:00 a.m Sunday through Thursday, and between the hours of 11:00 p.m. and 6:00 a.m. Friday and Saturday , shall constitute a violation of this section, regardless of whether the maximum permissible sound levels set forth in section 9-2-5.C.(1)(a) are met or exceeded. Violations of this subsection shall require the verification by an officer and an identified complainant.

SECTION 4. This ordinance shall take effect and be in force from and after its date of passage and publication of same.

Dated this 6th day of November, 2023.

Adam Wachowski
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney