

## **Town of Osceola Ordinance 21-1: Disorderly Conduct**

This ordinance supersedes all previous Osceola Disorderly Conduct Ordinances. The intent of this ordinance is to control disorderly behavior, to protect public health and welfare, and to allow peaceful enjoyment of property.

### I. Definitions:

- A. **DISORDERLY CONDUCT.** Whoever, in a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance, is guilty of a violation.
- B. **DBA.** The abbreviation for the sound level in decibels determined by the a-weighting network of a sound meter.
- C. **DAYTIME HOURS.** 7:00 am to 11:00 pm CST.
- D. **NIGHTTIME HOURS.** 11:00 pm to 7:00 am CST.
- E. **SOURCE.** Any person or property, real or personal, contributing to noise pollution.
- F. **MEASUREMENT** of noise levels shall be conducted at the property line of the complaining party's residence, the residence for which they are responsible, or business.
- G. **EVENT.** A planned public or social occasion not lasting more than three consecutive calendar days.

### II. General Rules:

- A. **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.
- B. **TYPES OF LOUD AND UNNECESSARY NOISES.** The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed exclusive:
  - 1. **Horns or 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 five seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sounds by means of any signaling devices and the sounding of any plainly audible device for any unnecessary or unreasonable period of time; the use of any signaling device when traffic is, for any reason detained/restricted.
  - 2. **Watercraft motors.** Boat/PWC motors shall not exceed 85 Db when measured at a distance of 50 feet.
  - 3. **Animals and birds.** The keeping of any animal or bird which by causing frequent or long-continued unnecessary noise.
  - 4. **Construction repair of buildings or structures.** The erection (including excavation), demolition, alteration or repair of any building or structure involving equipment attended by loud or unusual noise, other than between the hours of 7:00 am and 11:00 pm; provided, however, the Board shall have the authority, upon determining that the loss of inconvenience which would result for any party of interest would be extraordinary and of such nature warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 11:00 pm and 7:00 am.

5. Schools and churches. The creation of any excessive noise on any street adjacent to any school, institution of learning, or church while in use, or adjacent to any school, institution of learning, or church while in use, which unreasonably interferes with the normal operation of the institution, or which disturbs or unduly annoys.
6. The provisions of this section shall not apply to:
  - a. Any vehicle of the Town while engaging in necessary public business.
  - b. Excavators or repairs of streets or other public construction by or on behalf of the Town, County or State at night when the public welfare and convenience render it impossible to perform such work during the day.

C. STATIONARY NOISE LIMITS:

1. Maximum Permission Sound Levels. Noise from a stationary source shall not exceed the following levels measured at the property line:

Zone	Noise Rating Daytime 7AM-11PM	Noise Rating Night-time 11 PM-Close
Residential	80	70
Business	85	75
Industrial	90	80

2. Construction Noise. Construction equipment in any zone may be operated between the hours of 7:00 am to 11:00 pm.
3. Noise in Residential Districts. In residential zones, the person in violation of this section shall be ordered to reduce the sound pressure to an acceptable level immediately by the monitoring officer.
4. Exemptions. Operation of emergency equipment shall be exempt from this chapter. Snow blowers shall be exempt from this chapter when used to gain access to a Town street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Town.
5. Methods of Measuring Noise.
  - a. Equipment. Noise measurement shall be made with a sound level meter.
  - b. Location of Noise Meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
  - c. The equipment necessary to measure sound shall reside within the Town of Osceola Police Department and must be calibrated every six months.

- d. A designated enforcement official of the Town may, based on first impression, if he/she has reasonable suspicion to believe a violation of this ordinance is being committed in his or her presence, view, or hearing, may issue a municipal citation.
- e. A noise that exceeds the rating allowed must exceed the DbA permitted for more than five seconds within a one minute period to be in violation of this ordinance.

III. PENALTIES:

- A. The penalty for violation of Ordinance 21-1 shall be \$100.00 for first offense; \$200.00 for second offense; \$400.00 for third offense.
- B. Each day that the violation continues shall be considered a separate offense and therefore, forfeiture may be imposed for each day the violation continues.

IV. EXEMPTIONS:

- A. The provisions of this chapter do not apply to devices used solely for the purpose of warning, protecting or alerting the public of the existence of an emergency or hazardous situation.
- B. This provision of this chapter does not apply to the following:
  - 1. Household tools and portable appliances in normal usage between the hours of 7:00 am and 10:00 pm
  - 2. Lawn care and snow removal equipment when used in accordance with manufacture's specifications
  - 3. Motor vehicles on public roads, exclusive of electronically produced railroad signal.
  - 4. Emergency operations
  - 5. Air conditioning or heat pump equipment used to heat or cool housing on residential property.
- C. If the location of the complainant cannot be determined, no action will be taken.

V. SPECIAL EVENT PERMIT:

- A. A request may be made to the Town Board for a permit allowing for the standards as provided to be exceeded within the limitation of said permit. In issuing the permit, the Board shall consider the type of sound, the proximity of the source of the sound to neighbors and surrounding properties, the time of day when the noise will be generated, and whether reasonable steps have been taken to contain the sound have been made. The application fee shall be \$25.
- B. Special Event Permit may be approved by the Town Board. The number of Special Event Permits issued per year is at the discretion of the Town Board.
- C. **The Special Event Permit application must be submitted to the town clerk at least one week prior to the next scheduled Board Meeting for their review.**

Dated and Approved this 24<sup>th</sup> day of April, 2021.

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Town Chairman: *Thomas Thompson*

Supervisor 1: *Terry Leininger*

Supervisor 2: *Dean Kranig*

Town Clerk: *Kay Wege*