

ORDINANCE NUMBER 6.01
AN ORDINANCE OF THE TOWN OF BRIGHAM
REGULATING NOISE

SECTION A AUTHORITY AND PURPOSE

The Town Board has the authority to promote and protect the health, safety, and general welfare of the citizens and inhabitants of the Town. Pursuant to this end, the Town establishes this Ordinance to regulate noise within the Town's borders.

SECTION B LOUD AND UNNECESSARY NOISE PROHIBITED

1 Between the hours of 10:00 PM and 5:00 AM, it shall be unlawful for any person to make, continue, or cause to be made or continue any loud and unnecessary noise; it shall further be unlawful for any person to knowingly or wantonly use or operate, or to cause to be used or operate, any mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such a manner that persons owning, using, or occupying property in the surrounding area are disturbed or annoyed.

2 Normal agricultural activities are specifically exempt from this Ordinance.

SECTION C TYPE OF LOUD AND UNNECESSARY NOISES

The following acts are declared to be loud and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

1 Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle for longer than 3 seconds in any period of 1 minute or less, except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any signaling device, and the sounding of any plainly audible device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any signaling device when traffic is for any reason held up.

2 Radios, stereos, similar devices. The playing, using, or operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, stereo, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, stereo, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3 Loudspeakers, amplifiers for advertising. The playing, using, or operating, or permitting to be played, used, or operated, of any radio receiving set, musical instrument, stereo, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can be made only by the announcer in person and without the aid of any mechanical device.

4 Animals. The keeping of any animal, including any bird, that causes frequent or long, continued, unnecessary noise.

5 Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor boat except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

6 Construction or repair of buildings. The erection (including excavation), demolition, alteration, or repair of any building by the operation of any pneumatic hammer, derrick or other similar equipment attended by loud or unusual noise.

7 Schools, courts, churches, hospitals. The creation of any excessive noise near or adjacent to any school, institution of learning, church, or court while in use, or near or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in the streets indicating a nearby school, hospital, or court. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

SECTION D ENFORCEMENT

1 Inspection of Premises and Structures. The Town Board or its designee is authorized to make one or more inspection of any premises to determine whether or not there is a violation of this ordinance.

2 Forfeiture. In the event a violation of this section is not corrected within the 3-day correction period, each person found guilty of such a violation shall forfeit not less than \$25.00 nor more than \$200.00 for each violation plus all costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law. Each day a violation occurs or exists after the effective date of the notice shall be considered a separate violation.