

02-2017
VILLAGE OF MORLEY
NOISE ORDINANCE

WHEREAS, the Village Council requested the preparation of a sample noise ordinance to be considered for adoption in the Village of Morley, and

WHEREAS, the primary legal basis for regulating noise is the element of unreasonably loud or prolonged noise that disturbs a person within the Village of Morley, and

WHEREAS, the penalty for a violation of the Noise Ordinance will be a municipal civil infraction, with no jail penalty for violations, and

WHEREAS, the Village Council must designate in the Noise Ordinance the local official(s) authorized to enforce the Noise Ordinance and issue municipal civil infraction citations for violations,

NOW THEREFORE, THE VILLAGE OF MORLEY ORDAINS:

1. **Findings and declarations of fact; purpose of ordinance.**

A. The Morley Village Council hereby finds and declares that:

- (1) The making or creation of unreasonably loud noises within the limits of the Village that disturb people shall be unlawful.
- (2) The making or creation of unreasonably loud noises, which are prolonged unreasonably in time, place and use, are a detriment to public health, comfort, convenience, safety and welfare of the residents and visitors of the Village.

(3) The necessity for the provisions and prohibitions contained in this Ordinance is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions are for the purpose of securing and promoting the public health, comfort, convenience, safety, and welfare of the inhabitants and visitors of the Village of Morley.

2. **Enforcement.**

The Code enforcement officer of the Village of Morley is authorized to enforce this Ordinance and issue municipal civil infraction tickets for violations.

3. **Violations as nuisances.**

In addition to the penalty imposed for a violation of this chapter, the operation or maintenance of any noise source in violation of any provision of this chapter, which disturbs a reasonable person of normal sensitivity or which endangers the comfort, repose, health, or peace of persons in the area, shall be deemed and declared to be a public nuisance subject to abatement.

4. **General prohibition.**

A. It shall be unlawful for any person to make, cause or continue unreasonably loud noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person within the limits of the Village of Morley.

B. The acts enumerated in the following sections are declared to be unreasonably loud, disturbing noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

5. **Use or operation of radios, phonographs, etc.**

No person shall use, operate or permit to be played any radio, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound in an unreasonable manner that disturbs the quiet, comfort or repose of any person.

6. **Use of loudspeaker or sound amplifier for commercial purposes.**

The installing, using or operating, within the Village of a loudspeaker or sound amplifying equipment, for commercial purposes, in an unreasonably loud or prolonged manner that disturbs the quiet, comfort or repose of any person is prohibited.

7. **Use of sound trucks.**

No sound truck or other vehicle equipped with an amplifier or loudspeaker shall be operated or parked upon any street within the Village of Morley for the purpose of selling, offering for sale or advertising in any fashion.

8. **Yelling, whistling, etc.**

Yelling, shouting, hooting, whistling or singing at any time or place, in a manner that unreasonably disturbs the quiet, comfort, or repose of any person, is prohibited. The occupant or person in charge of any building emitting such noise and the person owning or operating any vehicle or device emitting such noise shall be deemed responsible and in violation of this section.

9. **Selling by outcry in residential districts.**

The selling of anything by outcry within any area of the Village zoned primarily for residential uses is prohibited.

10. **Use of drum or other device to attract attention to show, sale, etc.**

No person shall use any drum, bell, buzzer or other instrument or device that produces unreasonably loud or prolonged noise for the purpose of attracting attention to any performance, show, auction or other sale, or for any other commercial purpose.

11. **Noisy animals and fowl.**

No person shall own, keep, harbor or have possession of any animal or fowl which, by frequent or habitual howling, barking, meowing, squawking or other noise, shall unreasonably disturb the quiet, comfort or repose of any person.

12. **Noise from vehicles generally.**

The use of any truck, automobile, motorcycle, trailer or vehicle so out of repair, or loaded in such manner as to create unreasonably loud noise is prohibited.

13. **Loud exhaust from engine or motor; modifying noise-abatement device on engine or motor.**

The discharge, into the open air, of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which effectively prevents unreasonably loud or explosive noises is prohibited.

14. **Noise near school, church, court, hospital or nursing home.**

No person shall create any unreasonably loud or prolonged noise within the vicinity of any school, institution of learning, hospital or nursing home, church or court while the same is in use, which unreasonably interferes with the operation of the facility or which disturbs persons within it.

15. **Temporary Exemptions**

An application for a permit to engage in any temporary activity, noise, or use which would otherwise violate this ordinance must be made in writing and submitted to the Village Clerk. Applications shall be made at least 45 days prior to the date of the proposed use or event. Upon receipt of the application, the Village Clerk shall present request to the Village Council at the next regular meeting. A report of Council decision with acceptance or rejection shall be made to the applicant within 48 hours following the Council meeting.

16. **Penalty.**

A violation of this Ordinance shall be a municipal civil infraction punishable by a fine up to \$500 and costs of enforcement and prosecution up to \$1,000.

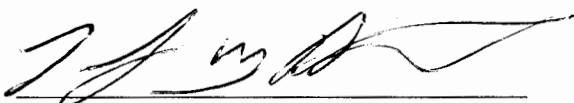
17. The Village Clerk is directed to publish this Ordinance in the newspaper.

18. This Ordinance shall be effective 20 days after publication.

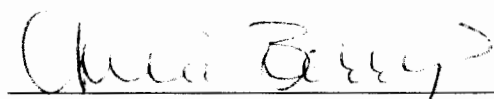
Yeas: *12*

Nays: *0*

I hereby certify to the adoption of this ordinance at the June 12th regular council meeting and cause the same to be published as required by law.



Village President



Village Treasurer/Deputy Clerk

Publish Date 20 Jun 17

Effective Date 10 Jul 17