

**Ordinance 100421-03**

**An Ordinance Amending Section 18-227(c) of the Municipal Code of the Village of Fontana on Geneva Lake regarding Noise**

**WHEREAS**, the Village Board does intend by this Ordinance to make certain amendments as recommended by the Plan Commission to the Village of Fontana on Geneva Lake Municipal Code.

**NOW, THEREFORE**, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

**SECTION 1.**

To amend Section 18-227(c) as follows:

**Sec. 18-227. - Noise standards.**

- (a) *Purpose.* The purpose of this section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety and general welfare of the public.
- (b) *Applicability.* The requirements of this section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.
- (c) *Requirements.* All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 18-227 as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property ~~where said lot abuts property within any zoning district other than the RB District.~~
- (d) *Nonconforming noise.* Noise that was in effect as of the effective date of this chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this chapter is the responsibility of the noise producer.

**Figure 18-227: Maximum Permitted Noise Level at Lot Line for Continuous Noise**

<b>Zoning District</b>	<b>Increase in Noise Level Over Ambient Level</b>
AH-35, LR-0, SR-1, SR-2, SR-4, SR-5, AR-6, MR-8, MR-12	Plus 3 dBA
IN, NB, VC, RB, OP	Plus 5 dBA
RP	Plus 8 dBA
<b>Adjustment Factors for Maximum Noise Levels</b>	
<b>Type of Operation in Character of Noise</b>	<b>Correction in Decibels</b>

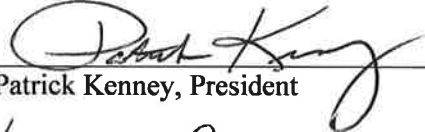
Daytime operation only	Plus 5 dBA
Noise source operates less than 20% of any one hour period	Plus 5 dBA*
Noise source operates less than 5% of any one-hour period	Plus 10 dBA*
Noise source operates less than 1% of any one-hour period	Plus 15 dBA*
Noise of impulsive character (hammering, etc.)	Minus 5 dBA
Noise of periodic character (hum, speech, etc.)	Minus 5 dBA
* Apply only one of these corrections.	


**SECTION 2.**

**Effective Date:** This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

**PASSED AND ADOPTED** by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 4th day of October, 2021.

Village of Fontana on Geneva Lake

By:   
 Patrick Kenney, President

Attest:   
 Theresa Loomer, Administrator/Clerk