

**THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
CHAPTER 208 PEACE AND GOOD ORDER**

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: Article I. General Provisions. § 208-4 Unreasonable noise and disturbances of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and deletion of ~~strikethrough-text~~.

A. No person shall either:

(1) Make or assist in making any unreasonable noise or disturbance; or

(2) Commit or assist in committing the following acts:

(a) Motor vehicle noise. Using any motorized vehicle so as to create a loud or unreasonable noise which disturbs or annoys another person or persons. Such uses shall include but are not limited to:

[1] Operation with damaged or modified exhaust.

[2] Operation of horn other than in emergency situations.

[3] Operation of audio equipment at excessive levels.

[4] Excessive acceleration or excessive road or engine noise as prohibited in Chapter 275, Vehicles and Traffic, § 275-1B.

(b) Use of construction tools and equipment. No person or entity may use construction, excavation, demolition or power equipment except between 7:30 a.m. and 8:00 p.m. Monday through Friday and between 9:00 a.m. and 4:00 p.m. on Saturdays; provided, however, that such tools and equipment shall not be used at any time on Sundays or federal holidays in which the Village Hall is closed.

(c) Delivery of construction materials. No construction materials shall be delivered to or removed from any residentially zoned lot prior to 7:30 a.m. or after 6:00 p.m. Monday through Saturday or any time on Sundays or federal holidays in which the Village Hall is closed.

(d) Use of generators. The use of gasoline, natural gas, propane or diesel fueled portable electric generators to power construction, excavation, or demolition tools and equipment is prohibited except during emergencies when power is not available from public utility sources.

(e) Landscape maintenance equipment shall only be operated between 7:30 a.m. and 8:00 p.m.

Monday through Friday, and between 8:00 a.m. and 8:00 p.m. on Saturdays, and 10:00 a.m. and 6:00 p.m. on Sundays.

(f) Other noise. Repeatedly creating a loud noise which, under the circumstances involved, unreasonably disturbs or annoys another person or persons through use of any radio, phonograph or other audio equipment or through excessive yelling or shouting or through the keeping of any noisy bird or animal not otherwise regulated by Chapter 95, Animals.

B. Homeowner maintenance and repair shall be exempt to the extent that activities do not violate § 208-4A(2)(b), (c), ~~and (d)~~, and (e)..

C. No person or persons shall be cited for any violation of Subsection **A(1)**, **(2)(a)**, ~~or (2)(e)~~, or **(2)(f)** except upon the evidence of two persons from separate households.

D. Exceptions. Nothing in this section shall be construed so as to restrict or penalize the causing of noise:

- (1) In an emergency situation;
- (2) To protect life or personal property;
- (3) To restore utilities;
- (4) To remove snow; or
- (5) In a manner related to the normal course of business approved through a plan of operation accepted by the Plan Commission.
- (6) Any municipal service.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this 28th day of August 2017.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk