

## ORDINANCE V22-05

### AN ORDINANCE REPEALING AND RE-CREATING CHAPTER 28 ARTICLE IV OF THE MUNICIPAL CODE OF ORDINANCES, NUISANCES

WHEREAS, The Village of Harrison finds that excessive levels of sound/noise is detrimental to the physical, mental, and social well-being of the people, as well as, inhibits their comfort, living conditions, general welfare, and safety; and

WHEREAS, the Village wishes to amend and update its Code of Ordinances Chapter 28 Article IV;

NOW, THEREFORE, the Village Board of the Village of Harrison, Wisconsin, does hereby adopt the following ordinance repealing and recreating Chapter 28 Article IV:

#### **Chapter 28 - NUISANCES**

#### **ARTICLE IV. - NOISE REGULATION**

#### **DIVISION 1. - GENERALLY**

#### **28-111 Noises Disturbing The Public Prohibited**

1. Making noise tending to unreasonably disturb person in the vicinity prohibited. No person shall make or assist in making any noise tending to unreasonably disturb the comfort, quiet, or repose of persons in the vicinity thereof. This provision shall not apply if the making and continuing of the noise cannot be prevented and is necessary for the protection or preservation of property, or the health, safety, life, or limb of some person, or is necessary for operation of a legally established business in a properly zoned district.
2. Loud operation of mechanical or electrical devices prohibited. No person occupying or having charge of any building or premises, or any part thereof, shall cause or allow any loud, excessive, or unusual noise in the operation or use of any radio, phonograph, tape recorder, loudspeaker, or other mechanical or electrical device, instrument, or machine, which noise shall unreasonably disturb the comfort, quiet, or repose of persons therein or in the vicinity.
3. Noise between certain hours prohibited. Except when necessary to protect the public health, safety, or welfare, no person shall cause or allow any noise between the hours of 8:00 pm and 6:30 am on any day as a result of excavating, grading, building, or constructing activities.
4. The causing of vibrations from excessive sound generation. The creation of sound waves that the sound causes vibrations to structural components, walls, glass, windows, or doors of a residence and/or vibrations to personal property contents of a residence, which would unreasonably disturb or unduly annoy occupants with normal sensitivities during normal use, detectable by visual observation.
5. *Order by officer.* Any person violating this section shall upon the request of a law enforcement officer immediately cease any activities causing a violation of this section. Failure to cease such activities immediately upon the request of a law enforcement officer shall constitute an additional and separate violation.

### **28-121 Findings Of Fact**

The Village Board finds that excess noise and excessive vibration can degrade the environment of the Village to a degree which is harmful and detrimental to the public health, safety and welfare of its inhabitants and interferes with the comfortable enjoyment of life, property and recreation therein and causes nuisances. The Village Board further finds that no one has any right to interfere with comfortable enjoyment of life, property and recreation within the Village by creating excess noise or excess vibration by the use of sound amplification devices which may unreasonably interfere with normal pursuits of life and recreation or the health and welfare of the Village's inhabitants.

### **28-122 Exceptions**

The following are exceptions to the restrictions in this ordinance and are allowed to generate sound:

1. Cases of clear emergency
2. Businesses on a fixed site and have drive-through services, auction services and other like-oriented businesses that use loudspeakers to service customers shall operate or permit operation outside of a reasonably soundproof enclosure
3. Ambient music played on commercial parcels but not permitted to be heard outside the lot lines of the property
4. Regular, on-going outdoor performances of light patio bands on properties zoned appropriately for outdoor entertainment with a conditional use permit. This would not include traditional concepts of "rock bands". The reduced size and volume of a light patio band would also apply to non-amplified performances including but not limited to drum sets, vocal choruses and brass/woodwind ensembles.
5. Enforcement upon Exceptions. Nearby parcels may be disturbed by the sound generated in the exceptions. Complaints can still be registered with a law enforcement officer and their authority to control as stated in 28-111 (4) is still in force. Multiple violations can result in a review and revocation of a conditional use permit.

### **28-123 Special Event Permit Required**

Any short-term event that would generate sound, utilize public right-of-ways or public recreational space or in any other way disrupt the normal activity of the Village shall apply for a special event permit. These events include but are not limited to: outdoor concerts, festivals, parades, road races and block parties. Any event using a loudspeaker, public address system or similar sound amplifying device must first obtain a permit from the Village Board as provided in this section.

### **28-124 Application**

An application for a permit shall be filed with the Village Clerk on forms provided by Village administration or on-line as approved by the Village Board and shall include at least the following information:

1. Name, date, time, description, anticipated attendance and contact information for event.
2. Description of amplified sound or music.
3. Listing of street closures or park facilities used.
4. A signature acknowledging legal terms of application

### **28-125 Time Of Filing**

Each application for a special events permit shall be filed with the Village Clerk at least 21 days prior to the date on which the permit is proposed to be used

### **28-126 Granting Of Permit**

1. No permit may be granted until and unless the Village Board by a majority vote has authorized granting of the same.
2. If the Village Board decides not to issue a permit it shall notify the applicant of its decision in writing on the application and state the reasons therefore.
3. Permits shall be copies of the application with approval information noted on it. No permit shall be valid at times or dates other than as stated on the face thereof.

### **28-127 Appeals**

Any applicant aggrieved by the Village Board's denial of a permit may within thirty (30) days after the written denial commence an action seeking the remedy available by certiorari.

### **28-128 Abatement Orders**

In lieu of or in addition to issuing a citation or complaint, any law enforcement officer may issue an order requiring the immediate abatement of any source of sound in violation of this article.

EFFECT. Any and all existing provisions of the Village of Harrison Municipal Code in conflict with the provisions of this ordinance amendment are hereby repealed. This ordinance shall be in force and effect upon passage and publication as provided by law.

Adopted by the Village Board of the Village of Harrison, Wisconsin this 31<sup>ST</sup> day of May, 2022.

  
Allison Blackmer, Village President

  
Attest: Vicki L. Tessen, Clerk