

ORDINANCE NO. 2018-05

AN ORDINANCE AMENDING SECTION 302-5, ELECTRIC SOUND AMPLIFICATION AND 302-9, ENFORCEMENT; VIOLATIONS AND PENALTIES AND REPEALING SECTIONS 302-10, PERMIT REQUIRED; RESTRICTIONS ON OPERATION AND 302-11, VIOLATIONS AND PENALTIES OF CHAPTER 302, NOISE OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT SECTIONS 302-5 AND 302-9 BE AMENDED TO READ AS FOLLOWS:

SECTION 1.

§ 302-5 Electric sound amplification.

- A. Nighttime hours (10:00 p.m. to 7:00 a.m.). During nighttime hours, no person may operate ~~a radio, jukebox, or other~~ any electric sound-amplification device emitting sound from any commercial zone or commercial premises that exceeds the maximum permissible sound pressure in Table II (~~section 302-4~~), in a residential zone at a distance of 75 feet beyond the lot line of the property which emits the sound, or at the property line of a residential property which is affected by the sound, whichever is deemed appropriate by the Village given the situation that occurs.
- B. Use on street. No person shall use any ~~loudspeaker sound amplification device~~ on residential streets of the Village except under permit granted by the Village, such as a block party permit issued by the Village, which permit shall have limited hours of use for the ~~loudspeaker sound amplification device~~.
- C. Permits. ~~The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the Village.~~ The Village shall not grant a permit to use a ~~loudspeaker sound amplifier~~ during nighttime hours or to operate such ~~loudspeaker sound amplifier~~ in the vicinity of health facilities, churches while services are being conducted, or schools which are in session. The Village may order a reduction in the volume of such ~~loudspeaker sound amplification~~ on complaint being made by a citizen or when such ~~loudspeaker sound amplification~~ is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

§ 302-9 Enforcement; violations and penalties.

- A. An enforcement officer may issue a citation for any violation of this article if the enforcement officer witnesses the violation or receives a sworn, written complaint from at least one witness of the excessive or unreasonably loud noise.
- B. Any person, ~~firm or corporation~~ who violates any provision of this article, ~~upon conviction~~, shall forfeit not less than \$50 nor more than \$1,000 for each violation. Each day a violation exists shall constitute a separate offense.

~~§ 302-10 Permit required; restrictions on operation.~~

~~The use of sound amplifiers outside buildings within the Village of Allouez is prohibited without a permit to do so from the Village. A sound amplifier shall not be operated before 9:00 a.m. or after 9:00 p.m. or in the vicinity of churches while services are being conducted or near schools that are in session. The Village may order a reduction in the volume of an amplifier on complaint being made by a citizen, or when such loudspeaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.~~

~~§ 302-11 Violations and penalties.~~

~~Any person, firm or corporation violating any provision of this article, upon conviction, shall forfeit not less than \$50 nor more than \$200 and pay the costs of prosecution, or, in the event of failure to pay such forfeiture and costs within the time set by the court, any such person shall be committed to the Brown~~

~~County jail until such forfeiture and costs are paid, but every such commitment shall be for a definite term which shall not exceed 90 days. Each act of violation shall constitute a separate offense.~~

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 15th day of May, 2018.

James F. Rafter, Village President

ATTEST:

Debra M. Baenen, Village Clerk-Treasurer

DATE OF PUBLICATION: _____