



Village of Thiensville

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TO: Thiensville Plan Commission
From: Andy LaFond, Director of Community Services
Date: 5/12/2020
Re: Noise Ordinance Amendments

Background: The Plan Commission recently took up a request to extend the patio hours at an outdoor beer garden at a public hearing to amend a conditional use permit. The current operational hours of the beer garden are listed in a conditional use permit. The owners asked to continue to end live music at the required time of 10:00 PM but keep the patio open an extra hour until 11:00 pm on Fridays and Saturdays in order for people to clear out. The request was denied by the plan commission. After the meeting, staff discovered there had only been one police report filed regarding noise since the beer garden has opened. There are other businesses in the Village that operate outdoor patio areas without time restrictions. In addition to this specific request, the Village board receives multiple requests a year from various businesses to hold events and live music until either 11pm or midnight. The current ordinance does not list specific times for enforcement however past practice has been that events past 10pm require special Board approval. The board usually permits these requests.

Intent: Village staff were tasked with looking into the existing ordinance and drafting changes for discussion by the Plan Commission and action by the Village board. These changes are intended to provide clarity to the ordinance as it pertains to outdoor patios, live music, and events in the business district, provide a schedule of acceptable times for these activities, and reduce the amount of reoccurring special requests to the Village Board. The spirit of this ordinance should provide regulations for these activities yet maintain the Village's desire to have a vibrant and lively business district.

Existing Ordinance and Changes:

Sec. 30-1. - Loud and unnecessary noise.

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence. No commercial deliveries or pickups that cause loud and unnecessary noise are to be performed outside of the hours of ~~7:00~~ 6:00 a.m. to 7:00 p.m.

The ordinance does not limit normal and ordinary snow removal activities within 24 hours of the end of a snowfall or ice accumulation. Ordinance does not limit municipal snow removal activities anytime.

Noise Ordinance (Outdoor Music Venues and Patios):

Definitions:

OUTDOOR MUSIC VENUE means a commercial property in a zoning district that's primary use is commercial where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof

SOUND EQUIPMENT means loudspeaker, public address system, amplification system, or other sound producing device including acoustical, brass, or percussion instruments

PATIOS AND BEER GARDENS means plan commission approved outdoor-seating areas in a zoning district that's primary purpose is commercial, intended for the use of patrons of a business serving food, drinks or alcohol. Where service or self-service is provided.

General Restrictions

Outdoor Music Venues, Patios and Beer Gardens

- (A) A person may NOT
 - (1) use or permit the use of sound equipment at a business in excess of the decibel limits prescribed by this chapter;
 - (2) use or permit the use of sound equipment at an outdoor music venue
 - (a) Anytime Nov 1st to April 30th
 - (b) From 10:00 PM to 10:00 AM May to the Thursday preceding Memorial Day and the Monday after Labor Day until October 31st
 - (c) From the Friday preceding Memorial Day to Labor day 10:00 PM to 10:00 AM Monday to Thursday and (10:00 – 10:30 - 11:00? PM for discussion) to 10:00 AM Friday and Saturday.
 - (3) Outdoor Music Venues must submit a schedule of events and a site plan showing where the sound equipment will be located and what direction it is pointing on a Village provided form prior to the April Committee of the Whole meeting.

Patios and Beer gardens

- (A) A person may NOT
 - (1) use or permit the use of beer gardens and patios from 12 Midnight to 7:00 AM

Restriction on Decibel Level

- (A) A person may NOT operate sound equipment at a business that produces sound:
 - (1) in excess of 75 decibels during the allowed outdoor music venue hours listed as measured at the property line of the business in a commercial district;
 - (2) is audible at the property line of the business between 12:00 a.m. and 10:00 a.m.

Special Permits

Special permits to request hours outside of what is listed above can be issued only for events on a Friday or Saturday or federally recognized holidays. Special permits shall be limited to a single day and no more than two permits shall be issued to any premise in any 12 month period regardless of change of ownership.

Enforcement Thoughts

Outdoor music venues, patios and beer gardens could be tied to existing liquor licenses. Or a new business license could be created for the operation of these outdoor facilities. Alternatively, the penalties otherwise used to enforce the noise ordinance could be used. It is possible that a coffee shop, sandwich shop or similar could create an outdoor music venue and not have a liquor license to use for enforcement.