

**VILLAGE OF THIENSVILLE
OZAUKEE COUNTY, WISCONSIN
ORDINANCE NO. 2020-04
AN ORDINANCE REPEALING AND REPLACING
SECTION 30-1 REGARDING NOISE AND OUTDOOR NOISE**

WHEREAS, the Village of Thiensville Board of Trustees (“Village Board”) desires to amend the ordinance relating to loud and unnecessary noise; and

WHEREAS, the Village Board, upon recommendation from the Village Plan Commission and/or the Committee of the Whole, desire to further regulate sound equipment and noise as it relates to outdoor dining patios, beer gardens and music venues within commercial/business zoning districts; and

WHEREAS, the Village Board finds that general regulations for loud and unnecessary noise and further regulations for outdoor noise in those areas zoned for business and commercial uses within the Village are in the best interest of the health, general welfare, and safety of Village residents.

NOW, THEREFORE, the Village Board of the Village of Thiensville does ordain as follows:

SECTION 1. Section 30-1 of the Village of Thiensville Code is hereby repealed and replaced with the following:

SECTION 30-1. Noise and Outdoor Noise

(A) 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 6:00 a.m. to 7:00 p.m.

The above restriction shall not apply to normal and ordinary snow removal activities during and within twenty-four (24) hours of a snowfall or ice accumulation event. In addition, this restriction shall not apply to any municipal snow removal activities.

(B) Outdoor Music Venues, Beer Gardens and Dining Patios

(1) Definitions.

- a.** **OUTDOOR MUSIC VENUE** means a property in a zoning district that’s primary uses are commercial/business where sound equipment is used for specifically promoted public, quasi-public or large private events, pursuant to Village approval either by permit, or permitted by right in the applicable zoning district, to amplify sound during specified events where the event is not fully enclosed by permanent, solid walls and a roof.

- b. SOUND EQUIPMENT means loudspeakers, public address systems, sound amplification systems, or other sound producing devices which shall include unamplified musical instruments.
- c. DINING PATIOS and/or BEER GARDENS mean Village approved outdoor-seating areas in a zoning district that's primary purpose is commercial/business, intended for the use of patrons of a restaurant, coffee shop or bar serving or providing self-service of food, drinks or alcohol.

(2) General Restrictions for Outdoor Music Venues, Dining Patios and Beer Gardens

- a. A property owner or the operator of business at a property where Outdoor Music Venues, Dining Patios and Beer Gardens are authorized by the Village may not:
 - (1) Use or permit the use of sound equipment at a business in excess of the decibel limits pursuant to Section 30-1(B)(2)(d) below.
 - (2) Use or permit the use of sound equipment at a dining patio, beer garden or outdoor music venue during the following time periods:
 - (a) Anytime beginning Nov 1st of each year through April 30th of each year.
 - (b) Between 10:00 PM to 10:00 AM May 1st of each year 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 11:00 PM to 10:00 AM Fridays and Saturdays.
- b. Outdoor Music Venues must submit to Village Staff an application five (5) days prior to the Village's April Committee of the Whole meeting, on a form provided by Village administrative staff, which shall provide the dates of any events using sound equipment, a site plan detailing the location of sound equipment for such events, the operational hours of such events, and a depiction of the direction of any sound equipment's projection. Village administrative staff may approve or deny such application based on the adherence to the general restrictions of 30-1(B)(2) ("General Restrictions for Outdoor Music Venues, Dining Patios and Beer Gardens") and its disruption to proximate property owners and uses. If such application is denied, the Village shall provide in writing to the applicant the basis of such denial within ten (10) days of application submittal. The applicant may appeal such a decision to the Village Board by providing written notice of its appeal to the Village administrative staff within ten (10) days of receiving written notice of denial. The Village board may then review the application, and upon review may approve, conditionally approve or deny. Special event permits which will

anticipate violating any of the provisions of this Section 30-1 may also be applied for in the same manner as provided for in this section, however, in no instance shall an application be approved for more than two (2) single-day events within a 12 month period for any premises, regardless of ownership, and may only be issued for events taking place on Fridays, Saturdays or federally recognized holidays.

- c. Dining Patios and Beer Gardens shall be clear of all patrons from 12 am midnight to 7:00 am.
- d. Sound equipment may not be operated under this chapter in a manner that produces sound exceeding 85 decibels at any time nor shall any such sound be audible between 12:00 a.m. midnight and 10:00 a.m. on any day. Such measurements for decibels or audibility shall be measured at the property line.

(3) Violations. Unless specifically approved by the Village through the process outlined in this chapter, any such violations shall be subject penalties pursuant Section 1-15 of the Village of Thiensville Municipal Code.

SECTION 2. Severability. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

SECTION 3. Effective date. This ordinance shall be effective upon publication or posting under applicable law.

PASSED AND ADOPTED this 15th day of June, 2020.

Van A. Mobley, Village President

ATTESTED TO:

Amy L. Langlois, Village Clerk