



AMENDED AGENDA FOR PLANNING COMMISSION **MEETING NOTICE**

A Planning Commission meeting will be held on **Thursday, February 23, 2023 at 5:30 PM**
in the **Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.**

Join Zoom Meeting

<https://us06web.zoom.us/j/2708608080?pwd=ZTZ0cmllVEFEb1dzVDNwdi91UHFYQT09>

Meeting ID: 270 860 8080 **Passcode:** 206751

One tap mobile +13126266799,,2708608080#,,,,*206751# US (Chicago)

ROLL CALL

APPROVAL OF MEETING MINUTES

- A. [Amended January 2023 Minutes](#)

PUBLIC HEARING

1. [Public Hearing, Section 52-152\(1\), to consider the Conditional Use Permit of Sue Hackett \(tenant\) & Judy Jonson-Faulkner \(owner\), to obtain a permit to install a hanging wall sign projecting over the public sidewalk on the side of the building at 800 Superior Ave.](#)
2. Discussion and recommendation related to the request from Sue Hackett & Judy Jonson-Faulkner to obtain a Conditional Use Permit to install a hanging wall sign projecting over the public sidewalk on the side of the building at 800 Superior Ave.

CERTIFIED SURVEY MAP

1. [Review/Approval of, Certified Survey Map \(CSM\) for B & G Rental Properties LLC, Description: A parcel of land located in part of the NE 1/4-SE 1/4 of Section 32, T18N-R1W, City of Tomah, Monroe County, Wisconsin, described as follows: Commencing at the E1/4 corner of Section 32; thence S64°58'22"W, 1249.20 feet to the NW corner of Lot 49 of Hillside Subdivision and point of beginning; thence S0°12'45"W, 144.00 feet to the SW corner of said Lot 49; thence S28°27'24"W, 164.88 feet to the east line of Noth Avenue; thence N0°37'08"E along the east line of Noth Avenue 144.00 feet to the intersection of the east line of Noth Avenue and the south line of Hansen Street; thence N89°27'03"E along the south line of Hansen Street 163.86 feet to the point of beginning.](#)
2. [Review/Approval of, Certified Survey Map \(CSM\) for Gordon Wold, Description: Lots 17 and 18, Green Acres Replat, being part of the SE1/4-SE1/4, Section 33, T18N-R1W, City of Tomah, Monroe County, Wisconsin.](#)

DISCUSSION ITEMS

1. [Review/Approval of Certificate of Appropriateness for 800 Superior Ave: Brick Sip Haus](#)
2. [Discussion on Appropriate Fee and Prohibiting Shipping Containers in Business District](#)
3. [Discussion of Noise Levels Pertaining to Outdoor Cabaret License](#)
4. [Discussion on Sec. 52-10. Use restrictions and performance standards](#)

ADJOURNMENT

NOTICE: It is possible that a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Becki Weyer, City Clerk, at 819 Superior Avenue, Tomah, WI 54660.

AMENDED MINUTES FOR PLANNING COMMISSION

A Planning Commission was held on **Thursday, January 26, 2023 at 5:30 PM** in the Council Chambers at City Hall, 819 Superior Avenue, Tomah, WI.

John Glynn called the meeting to order at 5:31 PM

ROLL CALL

Present: Adam Gigous, John Glynn, Brian Rice, and Tina Thompson.

Absent: Bryan Meyer, Mike Murray and Eric Prise.

APPROVAL OF MEETING MINUTES

Motion made by Thompson, second by Rice to approve November 2022 meeting minutes. All ayes. Motion carried.

CERTIFIED SURVEY MAP

Review/Approval of, Certified Survey Map (CSM) for Tomah Storage LLC, Description: A parcel of land being lot 1 of certified survey map 26CSM162 and lot 1 thru 6 of block 32 of the plat of railroad addition to the City of Tomah located in part of the Northwest 1/4 of the Northeast 1/4 of section 4, town 17 North, range 1 West, City of Tomah, Monroe County, Wisconsin.

Bryan Meyer has reviewed the CSM and found no discrepancies. Motion made by Thompson, second by Gigous to approve the CSM for Tomah Storage LLC. All ayes. Motion carried.

Review/Approval of, Certified Survey Map (CSM) for B & G Rental Properties LLC, Description: A parcel of land located in part of the NE 1/4-SE 1/4 of Section 32, T18N-R1W, City of Tomah, Monroe County, Wisconsin, described as follows: Commencing at the E1/4 corner of Section 32; thence S64°58'22"W, 1249.20 feet to the NW corner of Lot 49 of Hillside Subdivision and point of beginning; thence S0°12'45"W, 144.00 feet to the SW corner of said Lot 49; thence S28°27'24"W, 164.88 feet to othe east line of Noth Avenue; thence N0°37'08"E along the east line of Noth Avenue 144.00 feet to the intersection of the east line of Noth Avenue and the south line of Hansen Street; thence N89°27'03"E along the south line of Hansen Street 163.86 feet to the point of beginning.

Motion made by Thompson, second by Gigous to postpone the CSM for B & G Rental Properties. All ayes. Motion carried.

CERTIFICATE OF APPROPRIATENESS

Safe Ship: 621 Superior Ave

Rolff reviewed the Certificate of Appropriateness and noted it follows downtown design standards. Motion made by Gigous, second by Thompson to approve the Certificate of Appropriateness. All ayes. Motion carried.

Brick Sip Haus Window Decals: 800 Superior Ave

Rolff stated that the Certificate of Appropriateness is for the window decals only and that it follows downtown design standards. Motion made by Thompson, second by Rice to approve the Certificate of Appropriateness. All ayes. Motion carried.

DISCUSSION ITEMS

Discussion items were pushed to February 2023 meeting date.

- A. Review of Other Municipalities Noise Ordinance
- B. Review 52-82(7) for compliance to 2013 Act 20

Pete Thorson stated there are some ordinances that he believes are not clear and would like them reviewed. Rolf asked him for a list of the ordinances.

Paul Dwyer of Dwyer Transfer LLC spoke about how he's been issued citations for lights on his property.

Alvin Janeczko of 813 W Veterans spoke about how the lights are not an issue at his property located across the street from Dwyer's.

ADJOURNMENT

Motion made by Thompson, second by Gigous to adjourn at 5:44 PM. All ayes. Motion carried.

CITY OF TOMAH PLAN COMMISSION
STAFF PREPARATION REPORT
February 23rd, 2023

Agenda Item: Request from Sue Hackett (tenant) & Judy Jonson-Faulkner (building owner) to obtain a Conditional Use Permit to install a hanging wall sign projecting over the public sidewalk on the side of the building at 800 Superior Ave.

Summary and background information: Applicant wishes to install a hanging wall sign projecting over the public sidewalk on the side of the building. All signs which project over a public way require a conditional use permit pursuant to the City of Tomah Municipal Code Section 52-152(1)

Sec. 52-152. - Sign restrictions.

Signs are permitted in all business and industrial districts subject to the following restrictions:

(1)

No sign shall be placed upon, over or in any public way, provided that this subsection shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device or any other sign authorized by law or specifically permitted to project onto the public way by this chapter. Signs, awnings, canopies or marquees may be permitted on, over or in the public way as a conditional use as provided under this chapter.

Recommendation: Based on review of the application the I recommend approval of the Conditional Use Permit with any conditions deemed necessary by the Plan Commission.

Shane Rolff

Zoning Administrator

1/23/23

Date

City of Tomah
CONDITIONAL USE APPLICATION

APPLICANT

Applicant Name: Zingler Sign d/b/a, Zingler Marketing LLC
Address of Conditional Use Request: 800 Superior Ave, Tomah
Owner of Site: Judy Janson-Faulkner

DESCRIPTION OF THE SUBJECT SITE

- (1) Legal Description: Lot 1, Block 47 of original Plat
- (2) Present Zoning Classification: not certain of classification
- (3) Description of Existing Use Including Structures if any: Previous use was a wine bar, new use to be wine bar.
- (4) Describe Reason for Requesting a Conditional Use Permit: We would like to install a protruding sign reaching 48" out from face of building, perpendicular to Superior

ATTACHMENTS

- (1) Plat Plan Drawn to Scale - see attached
- (2) Names and Addresses of All Owners of Properties within 200 Feet of subject property.(City shall provide)
- (3) Fee Receipt in the Amount of \$125.00 from the City Treasurer

CERTIFICATION

I hereby certify that all the above statements and attachments submitted hereto are true and correct to the best of my knowledge and belief.


Applicant Signature

6125 County Hwy 0, Tomah
Address of Applicant

1-20-2023
Date

LOCATION: 800 SUPERIOR AVE, TOMAH

CLIENT: BRICK SIP HAUS, JULIE LYREK (LYREK CREATIVE)

SIGN TYPE: PROJECTING BLADE SIGN 42" X 30" (2-SIDED) WITH BLACK 48" SCROLL BRACKET

WINDOW DECAL TYPE: 48" X 36" CHROME GOLD AND BLACK

Note: 6 windows - each 48" w x 78" h



(note two window decals)

WIDTH OF FRONTAGE = 55'

CERTIFIED SURVEY MAP

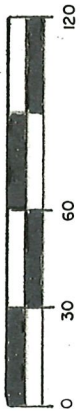
Located in part of the NE1/4-SE1/4 Sec. 32, T18N-R1W,
City of Tomah, Monroe County, Wisconsin.



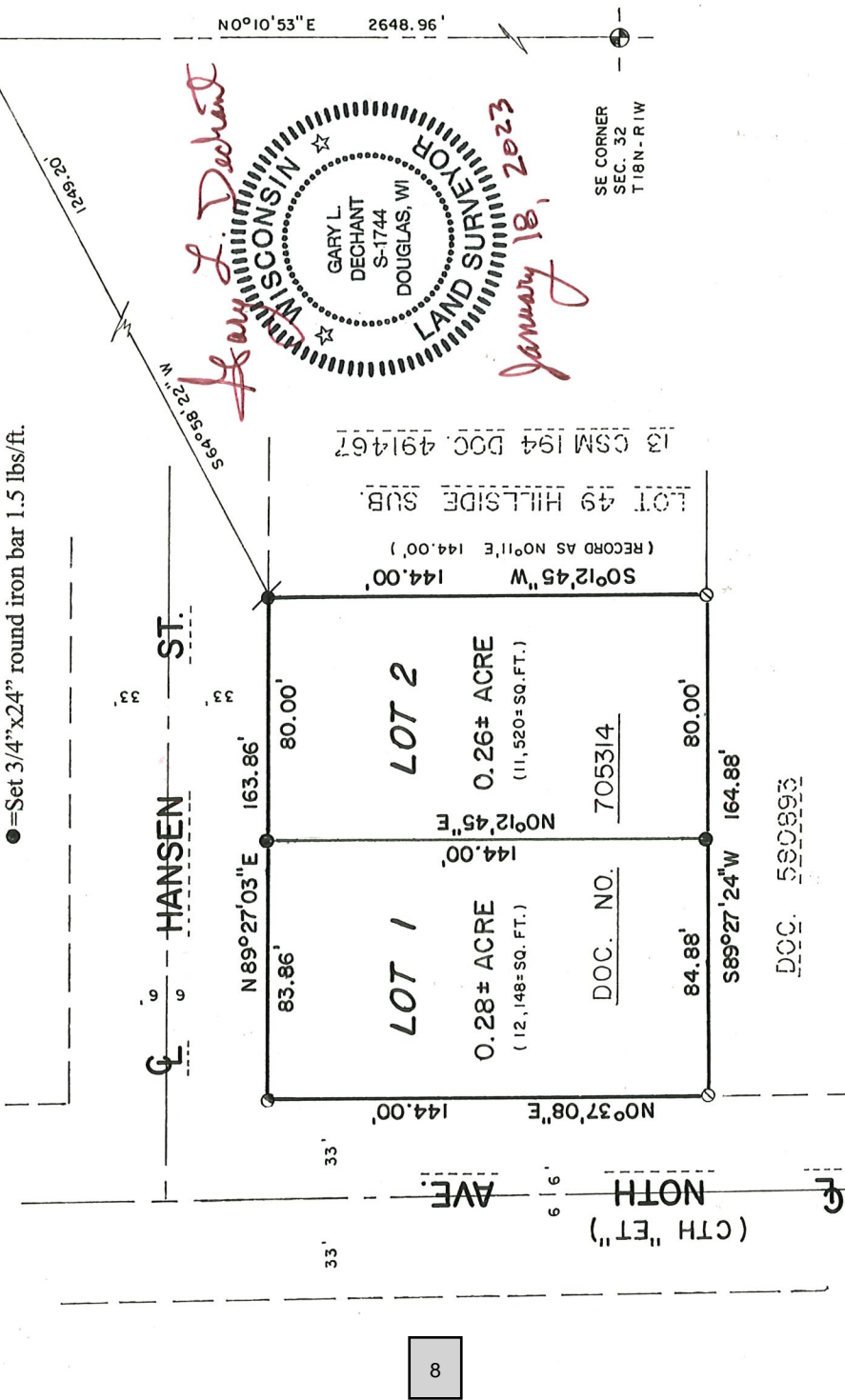
Bearings referenced to the east line of the SE1/4, Section 32,
T18N-R1W, ASSUMED to bear N0°10'53"E.

"thou shalt not remove thy neighbor's landmarks"

SCALE: 1" = 60'



- ⊙ = Found cast iron Harrison Monument (ties verified)
- = Found 1/2" iron pipe
- ⊙ = Found 1/2" round iron bar, down 8"
- ⊙ = Found 1 1/2" round iron bar
- = Set 3/4" x 24" round iron bar 1.5 lbs/ft.



DESCRIPTION: A parcel of land located in part of the NE1/4-SE1/4 of Section 32, T18N-R1W, City of Tomah, Monroe County, Wisconsin, described as follows: Commencing at the E1/4 corner of Section 32; thence S64°58'22"W, 1249.20 feet to the NW corner of Lot 49 of Hillside Subdivision and point of beginning; thence S0°12'45"W, 144.00 feet to the SW corner of said Lot 49; thence S89°27'24"W, 164.88 feet to the east line of North Avenue; thence N0°37'08"E along the east line of North Avenue 144.00 feet to the intersection of the east line of North Avenue and the south line of Hansen Street; thence N89°27'03"E along the south line of Hansen Street 163.86 feet to the point of beginning. Subject to easements, restrictions, covenants, and right of ways of record.

CITY OF TOMAH APPROVAL:

This certified survey map is hereby approved by the planning commission of the City of Tomah,
Monroe County, Wisconsin.

Authorized Representative

Date

SURVEYOR'S CERTIFICATE:

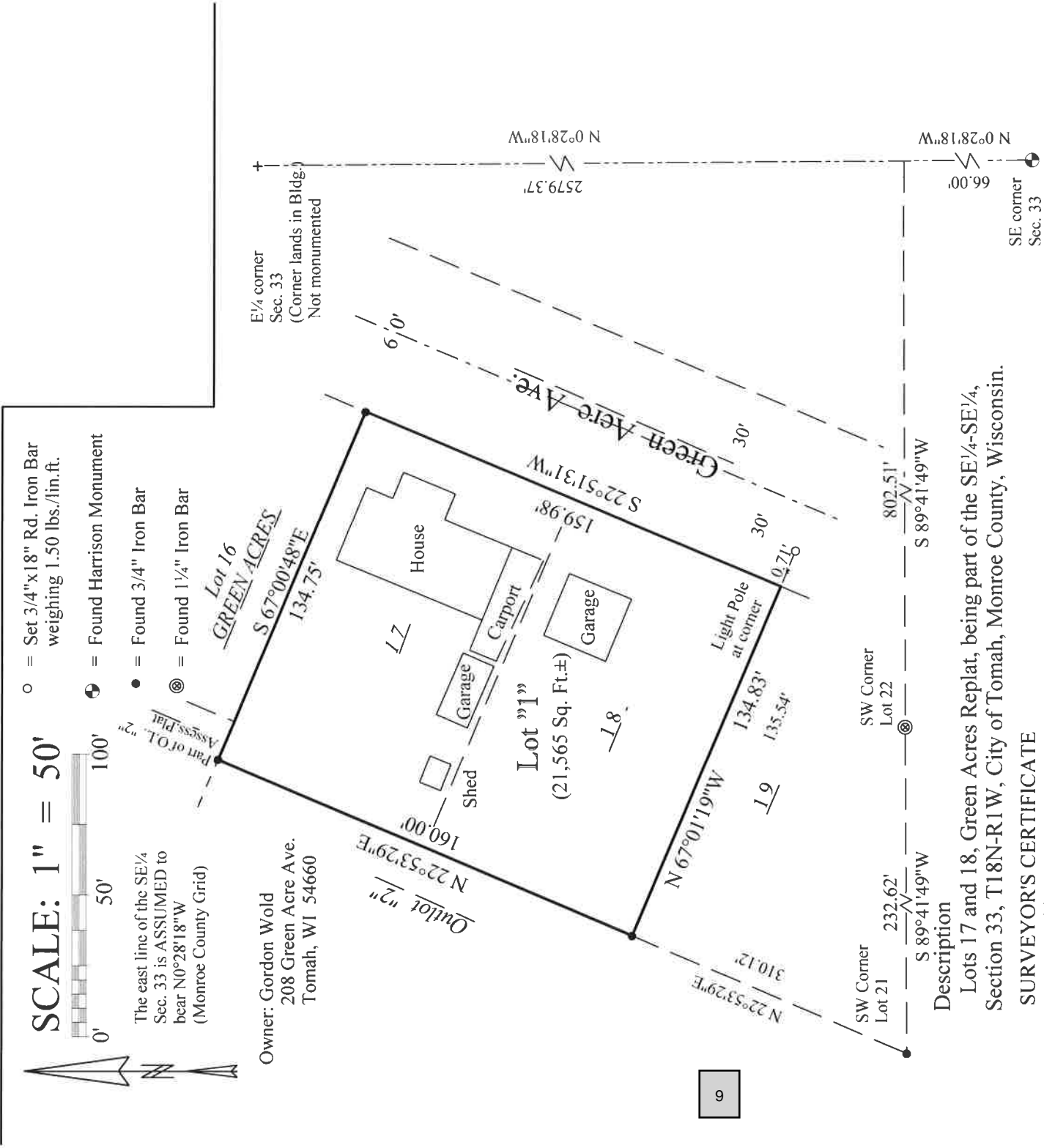
I, Gary L. Dechant, do hereby certify that I have surveyed and mapped the property described and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin statutes, Chapter AE-7 of the Wisconsin Administrative Code and Chapter 35 of the Monroe County Code of Ordinances to the best of my knowledge and belief.

Gary L. Dechant 1-18-2023

DECHANT SURVEYING
17055 Hornet Road
Camp Douglas, WI 54618

Under the direction of:

Owner: B & G Rental Properties LLC
B.J. Rice
113 E. Andres St.
Tomah, WI 54660



Description

Lots 17 and 18, Green Acres Replat, being part of the SE 1/4-SE 1/4, Section 33, T18N-R1W, City of Tomah, Monroe County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Garold A. Sime, do hereby certify that by the order and under the direction of Mr. Gordon Wold, I have surveyed and mapped the property shown hereon and that the within map is a true and correct representation of the exterior boundaries of the land surveyed and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes to the best of my knowledge and belief.

GAROLD A. SIME, PROFESSIONAL LAND SURVEYOR S-1261
H. A. SIME & ASSOCIATES
P. O. BOX 50
TOMAH, WISCONSIN 54660
February 14, 2023

APPROVAL OF THE CITY OF TOMAH PLANNING COMMISSION

This Certified Survey Map is approved this _____ day of _____,

CHAIRMAN

CERTIFIED SURVEY MAP

Located in Lots 17 and 18, Green Acres Replat, being part of the SE 1/4-SE 1/4, Section 33, T18N-R1W, City of Tomah, Monroe County, Wisconsin.

File No. 5703

CITY OF TOMAH

819 SUPERIOR AVENUE
TOMAH, WI 54660
Ph: (608) 374-7429
Fax: (608) 374-7444



APPLICATION FOR SIGN PERMIT

DATE 1-12-23

Greg Zingler - Zingler Sign
(Applicant's name)

6125 County Hwy O, Tomah
(Applicant's mailing address)

608-378-3316
(Phone #)

800 Superior Ave.
(Address / Location of proposed sign)

48"x36" projection sign + 2 sets of 48"x36" window decals
(Description of proposed sign installation)

Does hereby apply for permission to place a sign, on the described premises, to comply with City Ordinance # 52-150. The fee of \$ 40.00 to be paid at the time of application.

Attached to this application is a complete drawing of the proposed sign, including location of premises, distance from lot lines, sign dimensions, and building frontages (wall signs only).


(Signature of applicant)

(This section for office use only)

PERMIT: **GRANTED / DENIED**

Shane Rolff, Building Inspector

Date

Certificate of Appropriateness

City of Tomah: Building/Site Improvement Review Application for Certificate of Appropriateness

Address of Property:

800 Superior Ave, Tomah

Property Owner Name:

Judy Faulkner-Johnson

Property Owner Address (if different from Address of Property):

1414 Superior Ave.

Tomah

WI

Street

Municipality

State

Property Owner Phone Number: (Home/Mobile): (tenant)

Sue Hachett 651-303-3454

(owner)

Judy 608-372-7670

Have you reviewed the Downtown Tomah Design Standards (if applicable)?

Yes

No

Not Applicable

Have you reviewed the City's Historic Preservation Ordinance (if applicable)?

Yes

No

Not Applicable

Is your property a historic site, in a historic district, or contain a historic structure?

Yes

No

Scope of project to include: (Please check appropriate items.)

New Construction

Siding

Signage

Building Addition

Landscaping / Fencing

Exterior Lighting

Façade Restoration

Parking / Rear Access

Other: _____

Awning/Canopy/Shutters

Doors, Windows, & Entrances

Roofing

Exterior Painting

Briefly explain the proposed work: (Attach extra sheets if necessary.)

Projecting Sign + window decals

Last Modified: March 2, 2017

Page 1 of 2

Design Standards Checklist

Certificate of Appropriateness

City of Tomah: Building/Site Improvement Review Application for Certificate of Appropriateness

Please submit the following information:


- One historical (if available) and one modern photograph of building
- Two (2) copies of plans of proposed work, including color and/or material samples if appropriate.
- A completed downtown design standards checklist

Estimated total cost/budget for proposed project: 2500.00

Do you have any questions or concerns?

None

I understand the criteria for this application, approval and reviews by the Plan Commission and/or Historic Preservation Commission (check with Zoning Administrator if unknown whom will review), and agree to be subject to the Downtown Design Standards and/or Historic Preservation Ordinance (if applicable) for the above described work in accordance with City ordinances.

Signed:  Date: 1-12-23
Property Owner / Applicant Zingler Sign, Greg Zingler

FOR OFFICE USE ONLY

Received By: SR
Date of Meeting: 1/26/23
Approved or Denied?: _____
Date Received: 1/12/23

Conditions of Approval or

Reasons for Denial:

Page 2 of 2

Design Standards Checklist

Checklist

Instructions

If a section of these standards does not apply to the proposed project (e.g. parking standards for a facade renovation project) the entire section can be skipped by checking the "does not apply" box NA . If any part of a section does apply, please fill out the entire section with checks for completed standards and cross outs for any that do not apply.

In addition to this checklist, a site plan shall be submitted, including (as applicable):

- Trash and recycling containers
- Pedestrian pathways
- Parking and circulation
- Landscaping
- Stormwater management features
- Lighting

Applicant
Staff / ZA
PC

Design Standards Checklist

SIGNAGE DESIGN

Sign Type Usage Standards

NA

Comments (office use only):

see attachment for calculations

Applicant	Staff / ZA	PC
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. All signs conform to the sign design and maintenance requirements in the City's Zoning Ordinance, **-AND-** have applied/acquired sign permit
2. The project does not include following sign types: roof-mounted, pole, external neon cabinet/canister, billboard, **-AND-** there is no canopy in the public right-of-way.
3. All ground signs, if any, utilize monument-style design.
4. Ground signs do not extend higher than the mean street grade following the restriction shown below.
 - Downtown Core Only: 5 feet
 - Transitional Area Only: 8 feet
5. Signage on awnings, marquees and canopies is > 75% of the front valance, flat profile, and/or roof. **- AND -** no signage is placed on the side of the structure.
6. LED changeable messaging sign incorporated in monument sign does not comprise > 30% of the sign area, inclusive of the base area.
7. Signage is > 25% of each storefront display window/door area, excluding product display.

Checklist

	Applicant	Staff / ZA	PC	
Sign Materials, Colors & Lettering Standards <input type="checkbox"/> NA Comments (office use only): _____ _____ _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Sign substrate is either MDO, Aluminum, or Aluminate. Acrylic material, if used, simulates metal or wood.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. The sign style, color and materials complement the character of the building and other signage.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Highly reflective material is not used.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. The color tones between the sign's lettering/symbols and background have sufficient contrast to make the sign clearly legible.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. The main lettering and predominant background does not use fluorescent colors.

Design Standards Checklist

Window decal storefront window calculations

- (6) windows facing Superior: 48" x 78" each= **156 sq** ft total window space
- 156 sq ft window space x 25% allowed coverage with signs/decals=**39 sq ft.**
allowed coverage
- (2) window decals at 12 sq ft each=**24 sq ft window coverage proposed**
- 24 sq ft window coverage proposed, 39 sq ft allowed=**Compliance with City of Tomah Downtown Design Standards**

LOCATION: 800 SUPERIOR AVE, TOMAH
 CLIENT: BRICK SIP HAUS, JULIE LYREK (LYREK CREATIVE)
 SIGN TYPE: PROJECTING BLADE SIGN 42" X 30" (2-SIDED) WITH BLACK 48" SCROLL BRACKET
 WINDOW DECAL TYPE: 48" X 36" CHROME GOLD AND BLACK



6 windows (48" x 78")

WIDTH OF FRONTAGE = 55'

LOCATION: 800 SUPERIOR AVE, TOMAH
CLIENT: BRICK SIP HAUS, JULIE LYREK (LYREK CREATIVE)
SIGN TYPE: PROJECTING BLADE SIGN 42" X 30" (2-SIDED) WITH BLACK 48" SCROLL BRACKET
WINDOW DECAL TYPE: 48" X 36" CHROME GOLD AND BLACK



WIDTH OF FRONTAGE = 55'

ARTICLE V. SUBSTITUTE BUILDINGS

Sec. 18-123. Purpose and intent.

The purpose of this section is to promote and enhance the health, comfort, aesthetics, prosperity and overall positive quality growth of the city by providing uniform regulation of the use of tents, semi-trailers and other similar conveyances or structures as substitutes for principal and accessory buildings. The purpose is not to ban trailers that are being used to transport snowmobiles, sporting equipment, race cars or other recreational vehicles.

(Code 1993, § 10.08(1))

Sec. 18-124. Substitute buildings prohibited.

It shall be unlawful to place, erect or maintain within the city any shipping container, wagon, motor vehicle, semi-trailer, truck or similar conveyance as a substitute for a principal building except as provided herein.

(Code 1993, § 10.08(2))

Sec. 18-125. Construction sites.

The provisions of this section shall not prevent the use of shipping containers, trailers or similar conveyances to be used temporarily as substitutes for buildings on construction sites during construction; provided, however, in no event shall such temporary substitutes for buildings remain 30 days after cessation or completion of construction and shall be removed in any event within ten days after issuance of certificate of completion.

(Code 1993, § 10.08(4))

Sec. 18-126. Tents.

Tents shall not be used as substitutes for principal buildings or as accessory buildings, except when erected in accordance with applicable state and local code may be used as an accessory building or for the conducting of retail sales for a period not to exceed 21 days in each calendar year.

(Code 1993, § 10.08(5))

Sec. 18-127. Temporary retail sales.

The provisions of this section shall not prevent the conducting of retail sales directly from semi-trailers or trucks for a period not to exceed 72 consecutive hours per placement and no more than three such placements in aggregate per address, location or parcel in any one calendar year.

(Code 1993, § 10.08(6))

Sec. 18-128. Lands zoned for residential use.

No person shall place, erect or maintain in the city upon any lands zoned residential any shipping container, wagon, motor vehicle, railroad car, trailer, semi-trailer, truck or similar conveyance which has not been manufactured for use exclusively for mobile recreational purposes as a substitute for an accessory building, except for mobile units that contain medical diagnostic equipment for medical facilities.

(Code 1993, § 10.08(3))

Sec. 18-129. Lands zoned for business or industrial use.

- (a) *Permit required.* No person shall place, erect, maintain or use in the city upon lands zoned business or industrial any shipping container, wagon, motor vehicle, railroad car, trailer, semi-trailer, truck or similar conveyance for the purpose of storage, warehousing or as the location for the operation of any business without a permit. This section shall specifically not apply to the temporary parking of any of the above while engaged in the loading and unloading of cargo and merchandise.
- (b) *Application; fee; issuance; term.* Upon receipt of the appropriate application as provided by the city, plus a nonrefundable fee per unit in the amount established by the City Council, the Plan Commission may issue a permit as required in this section. Each permit is valid from January 1, or the date of issuance, until the following December 31.
- (c) *Display of permit.* The permit shall be displayed on the unit in a location readily viewable by the public.
- (d) *Safety and aesthetic requirements.* No permit shall be issued under this section unless the unit meets the safety and aesthetic requirements as determined by the Plan Commission. Vertical stacking of shipping containers or similar conveyances shall not be permitted. Such shipping containers or similar conveyances shall be kept in good repair and condition so as not to constitute a nuisance or unsightly condition.

(Code 1993, § 10.08(7))

DIVISION 4. CABARET LICENSES

Sec. 4-133. Required.

No person shall keep, maintain, conduct or operate any cabaret as defined in Chapter 6 without first obtaining a cabaret license. No dancing or live music of any nature shall be played or rendered at any time in any premise licensed under this article unless a dance hall license or cabaret license is held for such premises. Efficient means shall be employed to prevent the sounds of music being heard on adjoining premises or on the public streets.

(Code 1993, § 12.03(7)(a); Ord. No. 2019-05-03-D, § 2, 5-14-19)

Sec. 4-134. Application.

Any person desiring a cabaret license shall present to the city clerk his application in writing giving the location of the premises to be licensed by legal description, name of the owner of the premises, name of the lessee, if any, name of the person proposing to operate the cabaret, name of the manager to be in charge of the cabaret, and description of other businesses to be conducted upon the licensed premises.

(Code 1993, § 12.03(7)(c); Ord. No. 2019-05-03-D, § 2, 5-14-19)

Sec. 4-135. Procedure; discretion of council.

The application for a cabaret license shall be processed in accordance with the procedure set forth in Chapter 6. In reviewing the application for licensure, the council shall have discretion to refuse the granting of any license if such license shall be against the public interests, because of the unsuitability of the location, undesirability or unreliability of the applicant or his manager or because of the failure of such applicant or his manager to observe the provisions of this division in the prior conduct of a cabaret, dance hall, tavern or other similar place.

(Code 1993, § 12.03(7)(g); Ord. No. 2019-05-03-D, § 2, 5-14-19)

Sec. 4-136. Issuance of license; transferability.

A license shall be granted to each applicant who shall be approved by a majority vote of the council and shall be issued by the city clerk and contain with particularity a description of the premises licensed and the name and address of the licensee. The licenses shall be numbered consecutively beginning with the number one in each year and such license shall be posted conspicuously in the premises licensed at all times when they shall be in use. No cabaret license shall be transferable as to location or ownership.

(Code 1993, § 12.03(7)(e); Ord. No. 2019-05-03-D, § 2, 5-14-19)

Sec. 4-137. Cabaret regulations.

All licensed cabarets referenced in this chapter shall comply with the regulations as set forth in Chapter 6, failure of which may result in revocation of the cabaret license.

(Code 1993, § 12.03(7)(h); Ord. No. 2019-05-03-D, § 2, 5-14-19)

Sec. 4-138. Violations and enforcement.

Refusal by any person in a cabaret to comply with the reasonable efforts of the proprietor to comply with the provisions of this division shall be deemed a violation and subject to penalty hereunder, as shall refusal of any person to comply with directions of the police department, sheriff or deputy sheriff, constable or any dance inspector in efforts to enforce the provisions of this division in any cabaret.

(Code 1993, § 12.03(7)(h))

Secs. 4-139—4-159. Reserved.

DIVISION 3. OUTDOOR FACILITIES LICENSE

Sec. 4-97. Approval required.

Any retail class B license issued shall limit and restrict the consumption of fermented malt beverages and intoxicating liquors as defined in Wis. Stats. ch. 125 to the building premises so defined on the liquor license application unless, prior to the application of a liquor license or renewal thereof, approval has been obtained from the plan commission for an outdoor facility.

(Code 1993, § 12.03(6)(a))

Sec. 4-98. Application; site plan.

The application to the plan commission shall be accompanied by the application fee established by the city council, together with a site and landscape plan of the entire parcel showing the outdoor facility, designating its location with respect to the main premises and other buildings on the site, designating entrances and exits of both the main structure and outdoor facility, and the location of the outdoor facility with respect to buildings on adjoining sites. The application shall also include such other information as the plan commission may require to ensure compliance with this Code.

(Code 1993, § 12.03(6)(b))

Sec. 4-99. Requirements and guidelines for outdoor facilities.

(a) *Requirements:*

- (1) *Entrance and exits.* The normal entry and exit should be from inside the building. However, an entrance and exit must be available from the outdoor facility. The fire department and building inspector shall review the entrance and exit systems to ensure that the same are code compliant. In addition, the entrance and exit from the site shall have an alarm system meeting the requirements of the building inspector and chief of police to ensure that the staff inside the parent building will be immediately notified if the entrance or exit has been utilized.
- (2) *Use of right-of-way; setback.* No outdoor area shall be located on a dedicated public right-of-way or within 20 feet thereof. Exceptions may be requested for those lots not able to accommodate the 20-foot minimum setback requirement.
- (3) *Video monitoring.* An operating video camera monitoring system shall be installed in the outdoor area.
- (4) *Fencing and lighting.* The outdoor area shall be enclosed with a fence. The requirements for location, height and style shall meet the minimum requirements as directed by the building inspector and chief of police after due consideration is made to the site location and any other pertinent factors specific to the site.

(b) *Guidelines:* The plan commission shall consider the following guidelines when reviewing an application for an outdoor facility:

-
- (1) *Location.* In the event the location of the outdoor area is within 300 feet of property zoned residential, conditions shall be instituted to ensure that such area does not significantly compromise the uses, values and enjoyment of such residential property within the neighborhood of the proposed site.
 - (2) *Overall appearance and size.* The overall appearance must meet the downtown standards requirements if applicable or otherwise required by the plan commission. The outdoor area must be patrolled for trash and cleaned on a daily basis.
 - (3) *Tables, chairs and trash receptacles.* A seating plan shall be submitted and reviewed by the plan commission. The building inspector and/or fire chief shall provide a calculated occupant load for the area. The occupant load shall be clearly posted. Trash receptacles will be required.
 - (4) *Liquor availability.* The availability of liquor shall be consistent with liquor license of applicant. The liquor license must be amended to include the outdoor area as part of the premises.
 - (5) *Surface and materials.* The outdoor area should be on a hard surface; however, exceptions may be granted upon approval by the Plan Commission and after due consideration is made to the site location and any other pertinent factors specific to the site. Any and all building materials for structures thereon shall meet the requirements of the plan commission.
 - (6) *Hours of operation.* An outdoor facility shall only be operated during the hours as designated per Wisconsin State Statute for Class B alcohol beverage licenses.
 - (7) *Noise restraint.* Efficient means shall be employed to prevent the ordinary sound of music, dancing, singing or entertainment within the outdoor facility from being heard on adjoining premises or on the public street, and no unusually loud music, singing or entertainment or any boisterousness or noisy conduct on the part of the patrons shall be permitted.

(Code 1993, § 12.03(6)(c); Ord. No. 2014-02-03-D, 2-11-2014; Ord. No. 2018-08-07-D, § 1, 8-13-2018)

Sec. 4-100. Public hearing; notice.

The plan commission shall conduct a public hearing and make a recommendation to the city council. Notice shall be given by ordinary mail of the proposed establishment of an outdoor facility to the owners of property immediately adjacent to the area to be considered for the new use extending 300 feet therefrom and to the owners of properties extending 300 feet from the street frontage of the opposite property and also by a class I publication in the official newspaper.

(Code 1993, § 12.03(6)(d))

Sec. 4-101. Recommendation to council.

After hearing, the plan commission shall make a recommendation to the city council. The recommendation shall recommend either approval without special conditions, approval with special conditions (taking into consideration the above guidelines), or denial.

(Code 1993, § 12.03(6)(d)1—3)

Sec. 4-102. Determination by council.

Upon recommendation from the plan commission, the city council shall consider the application and any special conditions recommended by the plan commission. If final approval is granted by the city council, a special

use permit shall be issued with any restrictions stated thereon. Any violation of the stated restrictions shall subject the special use permit to automatic revocation without further notice or public hearing.

(Code 1993, § 12.03(6)(e))

Secs. 4-103—4-132. Reserved.

manufacture, salt, derivative, mixture of preparation of the plant, its seeds or resin.

- (2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- (3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.
- (4) PENALTY. Any person who shall violate any provision of this section shall, upon conviction, be subject to a penalty as provided in §25.04 of this Code. (1740 05/31/94)

9.05 SALE AND USE OF FIREWORKS REGULATED. (2233 08/08/2006)

- (1) DEFINITION. The definition of “fireworks” stated in §167.10(1), Wis. Stats., is hereby adopted by reference.
- (2) SALE REGULATED. Except as provided in §167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.
- (3) USE REGULATED. Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user’s permit issued pursuant to sub. (4), below.
- (4) USER’S PERMIT. As provided in §167.10(3), Wis. Stats., the Mayor may issue fireworks user’s permits or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or other similar proof of coverage, in an amount he deems necessary. The permit shall specify the date and location for which it is valid. A copy of the permit and proof of insurance shall be filed with the City Clerk, and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use. Every permitted use shall be handled by competent operator. Every permitted use shall be of such composition and character and shall be located, discharged, or fired so as, in the opinion of the Baraboo Fire Chief, after proper site inspection, not to be hazardous to any person or property. After a permit has been granted, possession and use of fireworks for permitted

uses shall be lawful for the permitted date and location only. No permit granted hereunder shall be transferable.

- (5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.
- (6) USE OF CERTAIN DEVICES PROHIBITED ON SCHOOL GROUNDS.
 - (a) Except as provided in (4) above, no person may use or possess those fireworks or devices described in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats. on any of the University of Wisconsin Center Baraboo- Sauk County Campus property owned by the City of Baraboo and Sauk County or on any property owned by the School District of Baraboo or the sidewalks, tree banks, streets or public rights-of-way immediately abutting said properties. This prohibition includes, but is not limited to, caps, toy snakes, sparklers and cone fountains.
 - (b) No parent, guardian or other person having custody or charge of a minor under the age of 14 shall permit or allow such minor to violate par. (a), above.
 - (c) Any peace officer observing any person who appears to be violating par. (a), above may confiscate such devices or fireworks.
- (7) All fireworks displays shall conform with the National Fire Protection Association Code Chapters 1123: Code for Fireworks Display, and 1126: Use of Pyrotechnics before a Proximate Audience.

9.06 LOUD AND UNNECESSARY NOISE PROHIBITED.

- (1) GENERALLY. No person shall make or cause to be made any unreasonably loud, disturbing, or un-necessary sounds or noises such as may tend to annoy or unreasonably disturb a person of ordinary sensibilities in or about any public street, alley, or park, or any private residential property. (2130 12/09/03)
- (2) PUBLIC ADDRESS SYSTEMS AND AMPLIFIERS. No person shall use or operate any public address system, amplifier, or device which increases the volume of voice, music, or other sounds tending to un-reasonably disturb the public peace or the quiet and peacefulness of persons in the surrounding neighbor-hoods. (2130 12/09/03)

(3) CONSTRUCTION AND MACHINERY NOISE. (2450 09/27/2016) Between the hours of 10:00 P.M. and 6:30 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature. This subsection shall not apply to equipment or machinery being used for snow removal purposes, for Public Works or Utilities maintenance and service projects, or for emergency removal of debris caused by accident, weather conditions or other Act of God.

(4) EXCETPTIONS.

(a) The Baraboo Country Club is granted an exception to subsection (3) and allowed to operate lawn mowing equipment for the purpose of golf course maintenance beginning at 5:30 a.m. from May 1st until September 30th of each year. (2442 05/24/16)

(b) A Noise Permit for an exception to this ordinance may be granted by the Police Department upon written request provided to the Police Chief or designee at least fourteen days prior to the event that will cause noise. One Noise Permit may be granted for multiple days. The Police Chief or designee shall consider granting the Noise Permit based on the following:

- i. The location of the noise
- ii. The purpose for the noise
- iii. Length of time the noise will be occurring
- iv. How many people the noise will impact
- v. Whether the public health, safety, or welfare is harmed
- vi. Whether the noise impact outweighs the benefit to the public.

(c) The City of Baraboo is exempt from requiring a Noise Permit as required by subsection (b), above. (2504 10/23/18)

afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF HIGHWAY BY LOITERING. No person shall obstruct any street, bridge, sidewalk, or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(3) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, treebanks, sidewalks, boulevards, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

(4) LOITERING IN PUBLIC PLACES. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

(5) LOITERING IN OR ON SCHOOL PROPERTY. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander or stand in or on any school property within the City between 7:00 A.M. and 5:00 P.M. on official school days.

(6) LOITERING PROHIBITED NEAR SCHOOL PROPERTY. (1712 12/21/93)
[Historical Note: See original Ordinance No. 1712 for preface setting forth the underlying problem that caused §9.07(6) to be created.

(a) Purpose. The purpose of this Ordinance is to insure unimpeded student and pedestrian traffic flow to and from the Baraboo Senior High, Baraboo Junior High and Gordon Wilson Grade School, and to maintain and protect the physical safety and well-being of students attending the Baraboo Senior High, Baraboo Junior High and Gordon Wilson Grade School, and pedestrians and to foster a safe and

9.07 LOITERING AND PANHANDLING PROHIBITED.

(1) LOITERING OR PROWLING. No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section

Lacrosse Noise Ordinance

DIVISION 2. - NOISE CONTROL^[2]

Footnotes:

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State Law reference— Municipal regulation of noise-producing devices, Wis. Stats. § 66.0411.

Sec. 32-134. - General prohibitions.

- (a) *Noise prohibited.* It shall be unlawful to make, continue or cause to be made or continued any noise in excess of the noise levels set forth in subsection (b) of this section unless such noise is reasonably necessary to the preservation of life, health, safety or property.
- (b) *Measurement of noise.*
- (1) Any activity not expressly exempted by this section which creates or produces sound, regardless of frequency, exceeding the ambient noise levels at the property line of any property (or, if a condominium or apartment house, within any adjoining apartment) by more than six decibels above the ambient noise levels as measured on the A-weighted scale of a sound meter and as designated in the following table, at the time and place and for the duration then mentioned, shall be deemed to be a violation of this division, but any enumeration herein shall not be deemed to be exclusive.
- a. All districts, 7:00 a.m. to 6:00 p.m. duration of sound:
1. Less than ten minutes, 75 dB;
 2. Between ten minutes and two hours, 60 dB;
 3. In excess of two hours, 50 db.
- b. Residential districts, 6:00 p.m. to 10:00 p.m. and all other districts 6:00 p.m. to 7:00 a.m., duration of sound:
1. Less than ten minutes, 70 dB;
 2. Between ten minutes and two hours, 60 dB;
 3. In excess of two hours, 50 db.
- c. Residential districts, 10:00 p.m. to 7:00 a.m., duration of sound:
1. Less than ten minutes, 60 dB;
 2. Between ten minutes and two hours, 50 dB;
 3. In excess of two hours, 40 db.
- (2) The districts referred to subsection (b)(1) of this section are the zoning districts of the City of La Crosse as defined in chapter 115.
- (3) In determining whether a particular sound exceeds the maximum permissible sound level in subsection (b)(1) of this section:
- a. Sounds in excess of the residential district are violative of this section whether the sound originates in a residential district or any other district;
 - b. During all hours of Sundays and State and Federal holidays, the maximum allowable decibel levels for residential districts are as set forth in this Code.
 - c. Sounds emanating from the operation of:

1. Motor vehicles on a public highway;
2. Aircraft and/or airport; and
3. Outdoor implements such as power lawn mowers, snow blowers, power hedge clippers, nail guns, and power saws;

are exempt from the provisions of this section.

- (4) Sounds emanating from lawful and proper activities on school grounds, play grounds, parks or places wherein athletic contests take place are exempt from the provisions of this section. Sounds emanating from activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products, electric or gas sub-stations, fire stations, police stations, post offices, railroad rights-of-way, but not including railroad yards and shops other than for passenger purposes, railroad commuter passenger stations, telephone exchanges, telephone transmission equipment buildings, and microwave-relay towers, water works, reservoirs, pumping stations and filtration plants, accessory radio and television antennas, maintenance and equipment storage buildings owned and operated by the City of La Crosse, are exempt from the provisions of this section and shall be regulated in all respects by the noise provisions of chapter 115, the La Crosse Zoning Code, including, but not limited to, the permissible levels of noise and the boundary or location designation for the measurement of noise.
- (5) Sounds emanating from events held at the south side Oktoberfest grounds, in Copleland Park or in Riverside Park are exempt from the provisions of this section but shall be subject to any conditions provided for within the permission to hold such event.
- (6) Limited exemption for construction noise. No person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m. of the following day in such a manner as to unreasonably interfere with the peace, comfort, and quality of life of neighboring persons of ordinary sensibilities. The provisions of this limitation shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 p.m. of any day or between 7:00 p.m. and 7:00 a.m. of any day if the Board of Public Works following a public hearing before the Board of Public Works, approves temporary construction work between 7:00 p.m. and 7:00 a.m. Application for this temporary construction exemption may be made upon submitting a nonrefundable application fee in the amount established by resolution on forms provided by the City Clerk. Notification of such exemption shall be provided to the Council Member of the district that such work will take place. A notice of such public hearing shall be at least ten days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property in whole or in part, situated within 300 feet of the boundaries of the properties on which the construction is to take place. Such hour limitations shall not apply to emergencies where immediate action is required. Such construction noise on Saturday and Sunday shall be between 7:00 a.m. and 6:00 p.m. on Saturday and 9:00 a.m. to 5:00 p.m. on Sunday.
- (c) *Specific prohibition.* The operation between 11:00 p.m. and 7:00 a.m. of any device for killing, trapping or repelling insects or other pests is prohibited if such device clearly produces audible sound beyond the property line of the property on which the device is located and such sound is emitted onto property zoned or used for residential or dwelling purposes, including trailer courts.

(Code 1980, § 7.02(G); Ord. No. [4999](#), § I, 6-8-2017; [Ord. No. 5113, § XVI, 10-10-2019](#))

Cross reference— Persons indebted to City not to be issued permit, license or lease, § 2-292.

Sec. 32-135. - Loud noises prohibited.

- (a) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the City such as produces

annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health, or morals of the public.

- (b) It shall be unlawful for any person to operate any mechanical device operated by gasoline, or steam, or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device.
- (c) The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being public highway, between the hours of 10:30 p.m. and 8:00 a.m. on weekdays and 12:00 midnight on Sundays shall be unlawful.
- (d) As used in this section, the word "person" shall extend and be applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals.
- (e) The landlord or lessor shall be given notice on at least two occasions of violations of this section by the tenant(s) or occupant(s) and, upon the second and subsequent violation by the tenant, occupant or group of tenants at the same dwelling unit within a one-year period, the landlord or lessor may be cited for permitting or allowing a nuisance. The landlord or lessor shall be notified of all citations issued to their tenants or occupants for noise violations and shall only be subject to a penalty if such tenant(s) or occupant(s) has been convicted of violations of this section occurring within a one-year period nor shall the landlord or lessor be subject to a penalty if the landlord or lessor shows that all reasonable means have been taken and a sincere effort made to prevent continuous noise violations by their tenants or occupants.
- (f) For the purpose of this section, a nuisance is described as allowing continuous loud noises, music or parties, which tend to disrupt the common welfare of a neighborhood or community.

(Code 1980, § 7.02(H))

Sec. 32-136. - Hospital zones of quiet.

There is hereby created and established a zone of quiet in all territory embraced within a distance of 250 feet in each direction from every hospital. It shall be unlawful for any person to make, cause or permit to be made any unnecessary noise upon the public streets, avenues or alleys within any such zone of quiet, which disturbs or tends to disturb the peace and quiet of any of the inmates of any hospital located therein.

(Code 1980, § 7.02(F))

Sec. 32-137. - Neighborhood quiet zones.

- (a) It shall be unlawful for any person to create, assist in creating, permit, continue to permit the continuance of any unreasonably loud, disturbing or unnecessary noise emanating from within residential neighborhood quiet zones, as established by the Common Council, between the hours of 10:30 p.m. and 6:00 a.m., such as produces annoyance, inconvenience, discomfort or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health or morals of the public.
- (b) As used in this section, the term "neighborhood quiet zones" means a residential area wherein not less than 51 percent of the residents 18 years of age and over or property owners in a nonbusiness zoned area unless the owners of such businesses included within such quiet zone agree to the same and have successfully petitioned the Common Council to request such status. If a portion of the area requested for a neighborhood quiet zone is zoned other than residential, such portion would qualify if such area is being used for residential purposes and the owner of such property consents to such quiet zone. In arriving at the requisite percentage, each parcel of property or tax parcel shall be counted

as one. The majority of residents 18 years of age and over occupying a parcel must sign the petition in order to constitute one parcel towards the requisite number of residents. Posting of such zones shall be in accordance with the procedures as established by the Common Council. The area shall not be less than one block in length on both sides of the street, unless otherwise approved by the Council in areas of irregular configuration. Smaller residential areas less than one block in length on both sides may be included within an existing contiguous quiet zone. A separate petition shall be filed for each block, or portion thereof. When the petition is filed with the City Clerk, it shall contain the requisite percentage of owners and/or residents and no signatures can be added or subtracted after it is filed with the City Clerk. All signatures on the petition shall be obtained within three months from the date of the first signature or such petition shall be void. The Common Council shall not grant such status to any area less than that as prescribed in this section. Such status shall remain in effect for a period of at least one year after which time utilizing the same guidelines as for the establishment of such status; it may be repealed by petition of the residents or owners subject to approval of the Common Council. Notice of public hearings to establish or repeal any residential neighborhood quiet zone shall be given to all record owners within the zone and any residents that signed any petition. A fee in the amount established by resolution shall accompany each petition. Petition forms shall be provided by the City Clerk's Office. The full fee may be waived upon approval by the Council in areas of irregular configuration, provided, however there shall be a fee of at least the amount established by resolution.

(Code 1980, § 7.02(R))

Sec. 32-138. - Unnecessary blowing of railroad whistles and horns.

- (a) *Burlington Northern mainline track.* No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the City of La Crosse on the mainline track of the Burlington Northern Railroad except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by Federal or State regulation.
- (b) *Soo Line mainline track.* No railroad company or any of its agents or employees shall blow or cause to be blown any whistle or horn within the limits of the City of La Crosse on the mainline track of the Soo Line/Canadian Pacific Railroad except when necessary to prevent damage to property or injury to persons, or when visibility is impaired by weather conditions, or when required by Federal or State regulation.
- (c) *Penalty.* Violations of this section are a Class C offense as provided in section 1-7.

(Code 1980, §§ 12.05, 12.07)

Secs. 32-139—32-159. - Reserved.

Onalaska noise ordinance

11.02.21. Loud and unnecessary noise prohibited.

- A. **Declaration of findings and policy.** Whereas excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the City to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- B. **General prohibition of noise disturbances.** No person or persons owning, leasing or controlling the operation of any source or sources of noise shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the establishment or continuation of a condition of noise disturbance.
- C. **Measured noise disturbance.** This section shall apply to the use or occupancy of any lot or structure thereon and to the noise produced thereby, but shall not apply to the following:
1. To the intermittent or occasional use, during the daytime, of light homeowner's residential outdoor equipment or commercial service equipment provided said equipment and its use complies with other provisions of this chapter;
 2. To construction activities and the associated use of construction devices nor to the noise produced thereby, provided such activities, and such equipment and its use, comply with provisions of this chapter;
 3. To bell towers or clock towers with bells or chimes;
 4. Any vehicle of the City while engaged in necessary public business;
 5. Excavations or repairs of streets or any other public construction work by or on behalf of the City, county, or state at any hour when the public entity determines that public welfare and convenience renders it impossible to perform such work during the day;
 6. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature; and
 7. Operation of emergency equipment shall be exempt. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the City.
- D. **Noise in residential areas or affecting residential property.** No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot located in any residential area or in residential use elsewhere in conformance with the Unified Development Code, in excess of any level of Subsection H of this section, residential zone noise standard.

- E. **Noise in commercial areas.** No person shall create or cause to be emitted from or by any source subject to the provisions of this division, any noise which causes or results in a noise level, measured at any lot line of any lot in any commercial area other than a lot in residential use in conformance with the Unified Development Code, in excess of any level of Subsection H of this section, commercial zone standard.
- F. **Noise in other zones.** No person shall create or cause to be emitted from or by any source subject to the provisions of this chapter, any noise which causes or results in a noise level, measured at any lot line of any lot in any area not zoned residential or commercial in excess of any level of Subsection H of this section, other zone standard.
- G. **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays; provided, however, the Inspection Department shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to permit by written authorization for a period necessary within which time such work and operation may take place within the hours of 8:00 p.m. to 7:00 a.m.
- H. **Stationary noise limits.**

1. **Maximum permissible sound levels.**

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

Zone:	Noise Rating (Daytime) (db)	Noise Rating (Nighttime) 10:00 p.m. to 8:00 a.m. (db)
Residential	75	65
Commercial	85	75
All Other Zones	75	65

2. **Methods of measuring noise.**

- a. **Equipment.** Noise measurement shall be made with a sound level meter.
- b. **Location of noise meter.** Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions, and all other sound-reflective surfaces.

3. **Appeals.** The Common Council may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable

technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this chapter for existing industries.

I. Permits for amplified sound. [Amended 4-13-2021 by Ord. No. 1704-2021; 7-12-2022 by Ord. No. 1735-2022]

1. **Permit required.** No person, entity or organization within the City shall operate or permit operation of an amplifying device to create amplified sound in excess of the limitations or times sets forth in the stationary noise limits in Section 11.02.21H above except upon receipt of a permit for amplified sound. Applications to amplify sound between the hours of 8:00 a.m. and 10:00 p.m. shall be submitted to the City Clerk's office a minimum of 10 days prior to the date of the event and will be reviewed by the City Clerk and Chief of Police for approval. Applications to amplify sound between the hours of 10:00 p.m. and 8:00 a.m. shall be submitted to the City Clerk's office a minimum of 45 days prior to the event and shall go to the Administrative and Judiciary Committee with final approval by Common Council. Notice of a request to exceed the time limits set forth in Section 11.02.21H shall be sent by the City of Onalaska to all property owners within 250 feet upon receipt of application.
2. **Amplified sound defined.** Sound whose volume is increased by any electric, electronic, mechanical, or motor-powered means. Shouting, group chanting, and acoustic musical instruments are exempt from this definition.

Sparta Noise Ordinance

Sec. 17-521. Noise.

- (a) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed, provided that such noises shall be capable of being so measured with such equipment. Noises capable of being so measured, for the purpose of this article, shall be those noises which cause rapid fluctuations of the needle of the sound level meter, with a variation of no more than plus or minus two (+/-2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (b) At no point on the boundary of a residence or business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

OCTAVE BAND MAXIMUM PERMITTED SOUND LEVEL (decibels)

<i>(Frequency, cycles per second)</i>	<i>Along Residence District Boundaries</i>	<i>Along Business District Boundaries</i>
0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
Above 4,800	32	38

(Prior Code, § 17.18(2)(a))

Sec. 52-10. Use restrictions and performance standards.

The following restrictions and regulations shall apply:

- (1) *Principal uses.* Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
 - a. Accessory uses and structures may be allowed where they comply with the following conditions and requirements:
 1. Size of accessory structures in residential districts. Accessory structures in residential districts on lots less than or equal to one acre in size may not occupy more than 1,200 square feet or ten percent of the lot area, whichever is smaller. Accessory structures in residential districts on lots greater than one acre in size may not occupy more than 2,400 square feet or ten percent of the lot area, whichever is smaller. The measurement of accessory structure size shall include the total of all detached accessory buildings on the lot.
 2. No detached accessory structure shall exceed 20 feet in height.
 3. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
 4. All accessory structures which are attached to the principal building shall comply with the yard requirements of the principal building **except for open decks. Open decks (without a roof or enclosure) may not exceed one-half the distance of the required front, side and rear yard setbacks for the zoning classification of the property.**
 - b. *Unclassified or unspecified uses.* Unclassified or unspecified uses may be permitted by the plan commission after the commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - c. *Temporary uses.* Temporary uses, such as real estate sales field offices or shelters for equipment and materials being used in the construction of a permanent structure, may be permitted by the zoning inspector.
- (2) *Performance standards.* Performance standards as listed in section 52-208 shall be complied with by all uses in all districts.

(Code 1993, § 17.14; Ord. No. 2008-02-03-C, § 1, 2-12-2008; Ord. No. 2019-08-07-D, § 1, 8-13-2019)