

**PUBLIC AMPLIFICATION PERMIT APPLICATION
CITY OF KENOSHA – PARK DIVISION**

By ordinance, public amplification is not allowed in City Parks except by permission from the Board of Park Commissioners. Permission for amplification does not exempt a group from obeying Ordinance restrictions on the volume of sound. Please be considerate of park neighbors and other park users. When notifying the alderman and neighborhood association (if necessary) about your event, be sure to include detailed information about any plans you have for amplified sound.

Event Information:

Name of Event _____

Location of Event: _____ Date of Event _____

Contact Person _____

Type of Amplified Sound

- DJ
- Sound System
- Speeches/Announcements
- Karaoke
- Other (please specify) _____

Requested time of amplification: Start: _____ Ending _____

Name of Company and/or Individual handling the amplification of the event:

Daytime # _____ Evening # _____ Cell # _____

See Attachment D1 for an excerpt of the Noise Ordinance or go to the City of Kenosha web site at www.kenosha.org and click on General Ordinances and review Section 23.

Excerpts from applicable City Ordinances:

23.5 NOISE PROHIBITED

A.

A. **Noise Disturbance Prohibited.** No person shall unreasonable make, continue, or cause to be made or continued, any noise or noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Section.

B. **Specific Prohibitions.** The following acts, and the causing thereof, are declared to be in violation of this Ordinance.

1. **Radio, Television Sets, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instruments, sound amplifier, or similar device which produces, reproduces or amplifies sound:

a. Between the hours of 10:00pm and 7:00am the following day in such a manner as to create a noise disturbance across a real property boundary; except for activities open to the public and for which a permit has been issued by the Department of Parks for the City of Kenosha, Wisconsin, according to the criteria set forth in **§23.6**;

b. In such a manner as to create a noise disturbance in any room in any dwelling unit located in any adjacent premises;

c. In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space or in a boat on public waters;

d. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

e. This Section shall not apply to noncommercial spoken language covered under **§23.5B.2.**

2. Loudspeakers/Public Address Systems.

a. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00pm and 8:00am the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary.

b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance across a real property boundary; or (2) between the hours of 5:00pm and 8:00am the following day on a public right-of-way or public space.

3. Emergency Signaling Devices

- a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection b.
- b. (1) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 9:00am or after 5:00pm. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.
- (2) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 9:00am or after 5:00pm. The time limit specified in Subsection (1) shall not apply to such complete system testing.
- c. Sounding or permitting the sounding of any exterior burglar [or fire] alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen minutes of activation.

23.6 CRITERIA TO DETERMINE “NOISE”

A. Maximum Permissible Sound Levels By Land Use. No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits sets forth in Table 1. when measured at or within the property boundary of the receiving land use.

Transmitting Land Use Zone	Time	Sound Level Limit, dBA
A-1, A-2, C-1, IP, FW, RR-1, RR-2, Rs-4, Rs-2, Rs-3, Rd, Rg-1, Rg-2, Rm-1, Rm-2 & All Other Zoning Not Specifically Listed in this table. (Residential, Public Space, Open Space, Agricultural or Institutional)	7:00A.M. - 10:00P.M.	60
	10:00P.M. - 7:00A.M.	50
B-1, B-2, B-3, B-4	At All Times	70
M-1, M-2	At All Times	75

- B. Correction For Character of Sound.** For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in **§23.6**. shall be reduced by five (5) dBA.
- C. Exemptions.** The provisions of this section shall not apply to refuse collection vehicles, aircraft and airport operations, interstate railway locomotives and cars, and emergency signaling devices, the latter of which are regulated in **§23.5 B.4**, of the Code of General Ordinances.

23.7 METHOD OF MEASURING NOISE

- A. Equipment.** Noise measurement shall be made with a sound level meter manufactured according to the specifications of the American National Standards Institute, USA Standard Specifications for General Purposes Sound Level Meters (S1.4-1971) and Preferred Center Frequencies for Acoustical Measurements (S1.6-1960) or any subsequent nationally adopted standards superseding the above standards.
- B. Location and Interpretation.** Noise measurement shall be made at the nearest lot line of premises from which noise complaint (s) are received and shall be made at a height of at least three feet away from walls, barriers, obstructions or sound reflective surfaces. Where the nature of the noise permits, the slow response setting shall be used to obtain the noise level on the sound level meter.

23.8 VARIANCE PERMITS

Variance Permits may be issued by the Health Officer to exceed the noise standards set forth in this Ordinance as follows:

A. Temporary Variance Permits.

1. **General.** A Temporary Variance Permit may be issued upon request provided that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.
2. **Special Community Events.** A Temporary Variance Permit may be issued for special events, such as circuses, 4th of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.
3. **Procedure to Obtain a Variance Permit.** Applications for Temporary Variance Permits must be made in writing to the Health Officer and shall contain all of the following pertinent information:
 - a. Dates requested;
 - b. Time and place of operation:

- c. Equipment and operation involved;
- d. Necessity for such permit;
- e. Steps to be taken to minimize noise; and,
- f. Name of responsible person(s) who will be present at the operation site while the noise is produced.

B. Variance Permits of Indefinite Duration.

1. It is recognized that it is not technically or economically feasible for certain business operations and equipment to comply with the standards set forth herein as of the date of this ordinance. The Health Officer shall therefore issue a Variance Permit on existing business operations and equipment which produces excessive noise if it is found that it is not technically or economically feasible to alter such operation to reduce noise to within the prescribed standards set forth in this Ordinance. Applications for such variances must be made to the Health Officer by an affected party in a letter setting forth the reasons that such variance should be granted. The Health Officer, after review of all circumstances and the degree of nuisance, shall reply in writing giving the variance, denying the variance, or setting forth conditions or limitations under which the variance will be granted.
2. In the event the Health Officer issues an order citing a violation of this Ordinance on an existing business operation and equipment and the party cited applies for a variance within ten (10) days of such citation, then all penalties provided shall be tolled from the date the application is filed until a final order or decision has been issued on the merits of the application.