

CITY OF STURGEON BAY
COMMUNITY PROTECTION & SERVICES COMMITTEE
Thursday, March 20, 2014
5:00 p.m.
Council Chambers, City Hall – 421 Michigan Street

1. Roll call.
2. Adoption of agenda.
3. Discussion of: Noise Ordinance.
4. Discussion of: Request to change the Transient Merchant Fees
5. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 3/14/14
Time: 11:30 a.m.
By: SSO

Community Protection & Service Committee Members:
Stewart Fett, Chr.
Richard Wiesner, Vice Chr.
Ed Ireland

10.09 Unreasonable, excessive and unnecessary noise prohibited.

- (1) *Definitions.*
 - (a) *Sound level meters:*

American National Standard Institute (ANSI)
Specifications for Sound Level Meter (ANSI SIR 19711)
Properly calibrated and operated on the "A" Weighting Scale
 - (b) *Unreasonable, excessive and unnecessary noise:* Noise measured with a sound level meter, in excess of 55 dBa between 10:00 p.m. and 6:30 a.m., when measured at any property within the city, which is designated as a residential area. Noise measured, with a sound level meter, in excess of 90 dBa at all other times, when measured at any property within the city, which is designated as a residential area.
 - (c) *Decibel:* dBa.
 - (d) *Residential area:* All zoned areas within the City of Sturgeon Bay with the designation of R-1, R-2, R-3, R-4, or R-M.
 - (e) *Exception permit.* Person(s) requesting exceptions through the common council must complete an application form for the requested exception, and submit it to the city clerk's office, with a permit fee in an amount set by the common council. Applications must be submitted at least 30 days prior to the date or dates of the requested exception. Exceptions may include time limitations, sound levels or a combination of both. (Approval of exception requests is at the discretion of the common council who reserves the right to deny any exception requests).
- (2) *Prohibited.* No person individually or as a member of a group, and no firm, company or other entity shall make, cause, or contribute to making any unreasonable, excessive, and unnecessary sounds or noises within the City of Sturgeon Bay. An unreasonable, excessive and unnecessary noise is defined at subsection (1)(b) above.
- (3) *Exceptions.* The provisions of this section shall not apply to noise resulting from:
 - (a) The use of an authorized emergency vehicle.
 - (b) Public works projects which are authorized by the city.
 - (c) Fireworks displays which are authorized by the city.
 - (d) Parades which are authorized by the city.
 - (e) Public and private snow removal operations.
 - (f) The operation of agricultural equipment.
 - (g) The operation of aircraft or other activities, which are pre-empted by federal law, with respect to noise control.
 - (h) Sponsored athletic events and related public address systems between 7:00 a.m. and 10:30 p.m.
 - (i) Authorized school activities occurring between 7:00 a.m. and 10:30 p.m.
 - (j) Ship horns.
 - (k) Motor vehicle horns when used in an emergency situation.
 - (l) Emergency signaling devices when used in emergency situations.
 - (m) Home, business and vehicle intrusion alarms.
 - (n) Machinery or equipment used during the construction or erection of buildings where required building permits have been issued by the proper authority.

- (o) Construction work made necessary to restore property to a safe condition following a public calamity or work required for the immediate protection of persons or property from imminent danger.
 - (p) Yard/lawn care maintenance equipment and machinery, between 7:00 a.m. and sunset.
 - (q) The common council may grant additional exceptions, after a permit request is submitted to, and approved by, the common council, for an exception.
 - (r) Business operating in Zoning District I-2 and whose property abuts the waters of the bay of Sturgeon Bay.
 - (s) Authorized use of the John Miles County Park unless at any time the County of Door would change its decibel reading requirement to above that of the city's 90 dBa.
- (4) *Compression brakes prohibited.* No person shall use motor vehicle brakes, which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof.
- (a) *Defense.* It shall be an affirmative defense to prosecution under this subsection that compression brakes [were] applied in an emergency and were necessary for the protection of persons or property.
 - (b) *Emergency vehicles.* Emergency vehicles shall be exempt from this subsection.

(Code 1992, § 10.09; Ord. No. 1025-1099, § 1, 10-5-99; Ord. No. 1041-0600, § 1, 6-6-00; Ord. No. 1215-0908, § 1, 9-2-08; Ord. No. 1270-0112, § 9, 1-3-12)

Nistebox LLC

1141 County C • Brussels, WI 54204 • Phone: 920-495-7269 • E-Mail: nistebox@gmail.com

Date: February 11, 2014

Stewart Fett

Community Protection & Services Committee

City of Sturgeon Bay

421 Michigan Street

Sturgeon Bay, WI 54235

Dear Mr. Fett:

Hello, my name is Charolette Baierl. My husband Marcus and I own a food truck located in Sturgeon Bay. If you aren't familiar, we serve Tex-Mex cuisine using almost 100% locally sourced products from Door County. Last summer was our first year of operation and we are proud to say the community received it very well. We look forward to doing business in Sturgeon Bay again this upcoming June.

I write to you because we feel the price and duration of a Transient Merchant Permit is too expensive. The current price is \$55 per person for a 30-day period. Last summer we paid \$550 in permit fees and provided what became a redundant amount of paperwork each month (copies of leases, insurance, drivers licenses, etc.). We will have at least 3 employees this year, so our cost for the permit would jump from \$110 per month to \$165. On top of monthly expenses, state permits, and commercial kitchen and parking lot rent, this really puts a financial strain on our small business.

For scale, in Brown and Outagamie counties, the *yearly* price of such a permit is \$40, with no limitations on how many employees are in the unit.

Our business is unique to the area, so we understand the current Transient Merchant Permit requirements. Perhaps an entirely different type of permit can be created for locally owned food trucks? Looking forward, it is our request that the City of Sturgeon Bay find a better solution regarding mobile restaurant permits.

We appreciate your time and consideration. The City of Sturgeon Bay has been extremely helpful over this past year and we are thankful for the support.

Sincerely,

Charolette Baierl

Owner at Nistebox LLC