

ORDINANCE 02152023C

AN ORDINANCE TO AMEND CHAPTER 1 OFFENSES AND NUISANCES AND CHAPTER 2 OFFENSES AGAINST PUBLIC SAFETY AND PEACE OF TITLE 9 FOR THE TOWN OF BURKE, DANE COUNTY, WISCONSIN

SECTION 1: the Town Board of supervisors of the Town of Burke, Dane County Wisconsin does hereby ordain as follows: **TO AMEND TITLE 9 CHAPTER 1(13)(b)(6) and CHAPTER 2(4)(b)(6) and to add (7)**

Whereas, the Town Board acknowledges it is necessary to update Town Ordinances for continuity and clarification.

9-1-13(b)

- (2) **Radios, phonographs, similar devices.** The playing, using, or operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (6) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration, or repair of any building as well as by 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 9:00 p.m.; provided, however, the Building Inspector 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 grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 p.m. to 7:00 a.m. on weekdays and Saturdays.

9-2-4(b)

- (2) **Radios, phonographs, similar devices.** The using, operating, or permitting to be played, used, or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine, or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the properly line of the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (6) **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 9:00 p.m.; provided, however, the Building Inspector 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 grant a permit for a period necessary within which time such work and operation may take place within the hours of 9:00 p.m. to 7:00 a.m. on weekdays and Saturdays.
- (7) **Schools, courts, churches, hospitals.** The creation of any excessive noise near or adjacent to any school, institution of learning, church, or court while in use, or near or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in the streets indicating a nearby school, hospital, or court. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.

9-2-4(c)

- (3) **Time Restrictions.** The Town Board shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 11:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Town Board, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

SECTION 2: Now, therefore, be it resolved that the Town Board of the Town of Burke, Dane County, Wisconsin repeals the above chapters from Title 6.

Effective Date. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Severability and Conflict. If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The above and foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Burke on January 18, 2023 by a vote of _____ ayes, _____ nays. Adopted by the Town of Burke Board of Supervisors on January 18, 2023.



Kevin Viney, Chair

Attest: 

PJ Lentz, Clerk