



Legislation Details (With Text)

File #: 21682 **Version:** 1 **Name:** Sound Amplification Areas
Type: Ordinance **Status:** Passed
File created: 3/9/2011 **In control:** DOWNTOWN COORDINATING COMMITTEE
On agenda: 3/29/2011 **Final action:** 3/29/2011
Enactment date: 4/7/2011 **Enactment #:** ORD-11-00058

Title: Amending Section 24.04(3) of the Madison General Ordinances to create two new sound amplification permit areas, authorize the Park Commission to establish sound amplification permit fees, and clarify the application process for sound amplification permits.

Sponsors: Joseph R. Clausius, Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/29/2011	1	COMMON COUNCIL	Adopt Unanimously	Pass
3/17/2011	1	DOWNTOWN COORDINATING COMMITTEE	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER	
3/15/2011	1	COMMON COUNCIL	Referred	Pass
3/9/2011	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

There may be a minor increase in General Fund revenues of a few hundred dollars annually derived from permit fees.

Title

Amending Section 24.04(3) of the Madison General Ordinances to create two new sound amplification permit areas, authorize the Park Commission to establish sound amplification permit fees, and clarify the application process for sound amplification permits.

Body

DRAFTER'S ANALYSIS: Under Sec. 24.04, the Parks Division issues amplification permits for designated spaces in the State Street area, allowing the permit holder to use amplification equipment to amplify sound. The permit also serves as a reservation of the space for a specific period of time as set forth in the ordinance. This amendment creates two new permitted sound amplification areas downtown and establishes the times during which they are available: one at Rotary Centennial Park which will be reservable from 12:00 to 1:00 p.m. and 5:00 to 7:00 p.m. Sundays through Fridays, from 9:30 to 11:00 a.m., 11:30 to 1:00 p.m., and 5:00 to 7:00 p.m. on Saturdays. The other new space is at Peace Park, reservable from 12:00 to 1:00 p.m. and 5:00 to 7:00 p.m. daily. This ordinance also clarifies that the sound amplification permit fees and associated electrical use fees are established by the Park Commission, adds a reference to filing applications on the city website, and makes editorial changes throughout Sec. 24.04(3) to clarify the application process.

The Common Council of the City of Madison do hereby ordain as follows:

Subsection (3) entitled "Sound Amplification" of Section 24.04 entitled "Prohibition of Noises Disturbing the Public Peace" of the Madison General Ordinances is amended to read as follows:

"(3) Sound Amplification.

(a) City Wide. It shall be unlawful for any person, firm, corporation or other entity to use or operate,

or cause to be used or operated in or upon any City public street, or from any aircraft, any device, apparatus or instrument for the amplification of the human voice or any sound or noise, or other sound-making or sound reproducing device except between the hours of 12:00 noon and 1:30 p.m. and 5:00 p.m. and 7:00 p.m. in all areas of the City except for those areas listed in Sec. 24.04(3)(b) below, and, with the exception of sound of any nature produced incidental to:

1. government functions; or
2. religious services; or
3. the operation of any authorized emergency vehicle; or
4. the use of sound producing equipment authorized by ordinance or statute; or
5. an event authorized by a street use permit, as controlled by Sec. 10.056, MGO; or
6. an event authorized by a parade permit, as controlled by Sec. 12.87, MGO.

(b) State Street Mall, Other Downtown Amplification Areas.

1. It shall be unlawful for any person, firm, corporation or other entity to amplify any sound with the use of sound amplifying equipment on the State Street Mall or other designated downtown amplification areas at any time without first having obtained an electrical/ amplification permit described in this section. For purposes of this section, the "State Street Mall" shall be defined as the 100-800 blocks of State Street, including the plaza area on North Carroll Street where the 100 block of State Street meets West Mifflin Street, and Elizabeth Link Peace Park.
2. State Street Mall Amplification Areas. Use of sound amplifying equipment to amplify sound within the State Street Mall (as defined herein) shall be limited to the designated performance areas on the State Street Mall. The two (2) following performance areas and the following days and times: on the State Street Mall are designated as:
 - a. "The Podium". aThe raised platform and pulpit on the 700 block of State Street, from 12:30 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m. daily, except during the four (4) days prior to and throughout each of the University of Wisconsin final exam periods, electronic sound amplification is prohibited in the 700 block of State Street.; and
 - b. One of the following two areas: "the Pillars": the circle area directly within the boundaries of the sculpture pillars in the plaza area on North Carroll Street between State Street and West Mifflin Street, or "30 on the Square": the area directly in front of the Pillars, from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. Sundays through Fridays and from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. on Saturdays.
 - c. Elizabeth Link Peace Park. The performance area within the city park located at 452 State Street, from 12:00 to 1:00 p.m. and 5:00 to 7:00 p.m. daily.
3. Other Downtown Amplification Areas.
 - a. Rotary Plaza. The raised stage area on the Pinckney Street side of the Rotary Centennial Plaza, located at the northeast corner of Pinckney and North Hamilton Streets, from 12:00 p.m. to 1:00 p.m. and 5:00 p.m. to 7:00 p.m. Sundays through Fridays, and from 9:30 a.m. to 11:00 a.m., 11:30 a.m. to 1:00 p.m., and 5:00 p.m. to 7:00 p.m. on Saturdays.
- a 4. Applications for an electrical/amplification permit for the Street Mall or downtown amplification areas shall be made at the office of the Parks Division in the Department of Public Works or on the city website, if available.
 - b. Sound amplification in the performing areas shall be permitted only during the hours of: 12:30 p.m. – 1:30 p.m. and 5:00 p.m. – 7:00 p.m. daily at the 700 block of State Street; 12:30 p.m. – 1:30 p.m. and 5:00 p.m. – 7:00 p.m. Sunday through Friday at the North Carroll Street Plaza circle area; and 9:30 a.m. – 11:00 a.m., 11:30 a.m. – 1:00 p.m. and 5:00 p.m. – 7:00 p.m. Saturdays at the North Carroll Street Plaza circle area.
 - a. Permit Fee. The fee for an amplification permit and reservation for a State

Street Mall or other Downtown amplification area shall be established by the Park Commission.

- b. Electrical Use Fee. Applicants shall also pay an additional fee for the use of electricity pursuant to an amplification permit, shall be charged by the hour, and the hourly fee shall be established by the Park Commission.
 - c. Application and Permit Process. Amplification permits for the designated areas may be applied for at any time prior to the requested reservation time, and are approved on a first-come, first-served basis during regular business hours at the Parks Division office or as may be available on the city website, subject to the following: No permit for the use of the designated performance areas shall be granted earlier more than three (3) weeks ahead of the date requested of performance. A person, firm, corporation or other entity shall not be eligible for more than one (1) advance (i.e. not same-day) permit reservation a permit for the use of designated performance areas for more than one (1) performance within any one (1) week period. However, an applicant who already holds an advanced reservation permit is eligible for additional permit(s) during that one-week period, on a same-day basis only, if the space is available. ~~except on a space-available basis.~~ No person, firm, corporation or other entity may reserve obtain a permit for more than one (1) available time period at any designated performance amplification area within a 24-hour time period.
 - d. A sponsor of a special event which encompasses ~~a specific one or more of the State Street Mall or other downtown amplification/performance areas~~ may apply for a Street Use Permit, pursuant to Sec. 10.056, MGO, to obtain an extension of the time limits for sound amplification set forth in this section, under Sec. 10.056, MGO, set forth in Paragraph 2.b. above.
 - e. ~~During the four days prior to and throughout each of the University of Wisconsin final exam periods, electronic sound amplification will be prohibited on the 700 block of State Street.~~
 - f. 5. ~~In addition to all other conditions on the permit, p~~Permittees under this section shall comply with sound pressure levels as set forth in Sec. 24.08, MGO.
 - 6. A valid amplification permit under this provision is a reservation for the use of the designated area and entitles the permit holder to use devices, equipment or instruments to amplify sound during the times for which the permit is granted.
- (c) Violation of this section in connection with any license or permit shall be cause for the revocation thereof.
- (d) Appeal. Any person, firm, corporation or other entity, whose application for an electrical/amplification permit has been denied may appeal that decision according to the procedures set forth in Sec. 9.49, MGO, Review of Administrative Determinations.”