



CITY OF WAUWATOSA
COMMUNITY AFFAIRS COMMITTEE
AGENDA • OCTOBER 10, 2017

Regular Meeting

Committee Room #1

7:30 PM

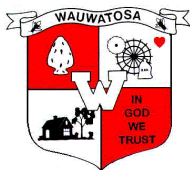
7725 West North Avenue, Wauwatosa, WI 53213

COMMUNITY AFFAIRS COMMITTEE ITEMS

1. Proposed amendment to noise ordinance regarding loading of merchandise at manufacturing, warehousing and similar facilities

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format, must contact the City Clerk at voice telephone 479-8917 or TTY 471-8484 (City Hall, 7725 W. North Avenue, Wauwatosa, Wisconsin 53213) for accommodations. Requests for accommodations for meetings should be made at least three (3) business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings; so please give the City Clerk as much advance notice as possible.

CITY OF WAUWATOSA
MEMO



To: **Community Affairs Committee**

From: **Alan Kesner**

Date: **October 06, 2017**

Subject: **Proposed amendment to noise ordinance regarding loading of merchandise at manufacturing, warehousing and similar facilities**

A. Issue

Shall section 7.46.110 of the Wauwatosa Municipal Code, Noise Ordinances, be expanded to include a prohibition on loud or harsh noises due to loading, unloading and movement of merchandise at manufacturing, warehousing and similar facilities?

B. Background/Options

On July 11, 2017, Alderman Walsh asked the Community Affairs Committee to discuss noise concerns at a manufacturing and distribution facility located near one of our independent living communities. The committee heard discussion from a resident of that community indicating that he had recently moved to that location and was disturbed by the sounds of loading and unloading merchandise, particularly during nighttime hours, in a manner which the resident felt was unreasonable. The police department reviewed a history of complaints it had received and contacts with the business in question. The police determined that the activity in question was not a specific violation of the City's general noise ordinance, and that there was no more specific limitation on the activity in our ordinances which could be appropriately applied to address the neighbor's concerns.

In order to specifically address this issue, Alderman Walsh asked that this office draft an amendment to the existing section 7.46.110 of the Wauwatosa Municipal Code, which prohibits unreasonably loud or harsh noises due to the loading or unloading of merchandise at stores during nighttime hours. The proposal was to expand that prohibition to manufacturing, distribution and similar facilities, such as the one in question at the meeting. That draft requested by Alderman Walsh is attached. The attachment shows the current ordinance, the amended version, and a marked up version indicating changes compared to the existing text.

In addressing this proposal, the Committee has the option of recommending that the proposed amendment be sent to the Common Council for introduction, recommending that the Common Council place the proposed amendment on file, or the committee can work toward making amendments to the proposed language.

Possible places in which the ordinance could be amended include the following:

1. The proposal could be amended to apply to a different set of facilities or activities.
2. The hours in which such activity is prohibited could be changed.
3. Exceptions could be made for certain types of activities or approved uses.

4. The proposal could be amended by placing a proximity or distance limit from certain zoning districts, such as residential districts.
5. The proposal could provide for notice to be provided to an offender and an opportunity to cure the problem prior to being cited, or perhaps an opportunity to appeal any alleged violation or to be granted a specific exemption

C. Strategic Plan (Area of Focus)

Community of Choice: Assure continued quality of life in order to maintain Wauwatosa's status as a location where its citizens will choose to live, work and play.

D. Fiscal Impact

Other than occasional enforcement costs, which are not anticipated to have a major fiscal impact, the only other fiscal impacts may be to local businesses if operational changes are required.

E. Recommendation

Staff has no specific recommended course of action. It is a policy decision for the council members to make. Options for action are described above as being: recommend introduction as drafted, recommend adoption of an amended version, or recommend that the Common Council place the item on file.

Attachment to memo regarding noise ordinance changes

Community Affairs Committee, City of Wauwatosa

October 10, 2017

Current Ordinance:

7.46.110 - Loading merchandise at stores.

No person shall cause, suffer, or allow any unnecessary or unreasonably loud or harsh sound by means of the loading or unloading of merchandise at stores between the hours of ten p.m. and six a.m. which shall disturb the comfort, quiet, or repose of persons in the vicinity thereof. (O-03-09 § 6: prior code § 9.02(10))

Proposed Amended version (clean):

7.46.110 - Loading merchandise at manufacturing, storage, retail and other facilities.

No person shall cause, suffer, or allow any unnecessary or unreasonably loud or harsh sound by means of the loading, unloading or movement of merchandise or other materials at manufacturing, storage, shipping, warehousing, retail or other similar facilities between the hours of ten p.m. and six a.m. which shall unreasonably disturb the comfort, quiet, or repose of persons in the vicinity thereof.

Proposed Amended version (markup):

7.46.110 - Loading merchandise at manufacturing, storage, retail and other facilities~~stores~~.

No person shall cause, suffer, or allow any unnecessary or unreasonably loud or harsh sound by means of the loading, ~~or~~ unloading or movement of merchandise or other materials at manufacturing, storage, shipping, warehousing, retail or other similar facilities ~~stores~~ between the hours of ten p.m. and six a.m. which shall unreasonably disturb the comfort, quiet, or repose of persons in the vicinity thereof.