

## Resolution #2-R-18

Submitted by: Edward S Baranowski

Date: February 7, 2018

Referred to: Attorney, Board of Health

Whereas, the City of Appleton's Municipal Code identifies noise as a serious hazard to the public health, welfare, safety and quality of life and,

Whereas, the people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life and,

Whereas the Municipal Code states that no person shall operate, play or permit the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device in such a manner as to create a noise disturbance and,

Whereas as special variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health or welfare and reasonable steps are taken to keep such noise at the lowest practical level and,

Whereas a variance may be issued for special events and similar gatherings, festivals, presentations and the like, 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 and,

Whereas, Section 12-76 of the Municipal Code does not have a

definition of Special Community Events, or what constitutes a Special Community Event along with it's make up in terms of, but not limited to, its frequency and its benefit to the community vs. an organization or business and,

Whereas the Health Officer or designee, is authorized to issue a variance permit pursuant to the applicable section of the Municipal Code upon receiving a completed application therefore,

Be it resolved, prior to authorizing any further noise variances under the Municipal Code, the City Attorney's Office along with the Board of Health review and define what constitutes a Special Community Event along with it's make up in terms of, but not limited to, its frequency, its necessity to promote the public health and welfare, and its benefit to the community vs. an organization or business.