

## AGENDA

LICENSE REVIEW COMMITTEE  
TUESDAY – JANUARY 11, 2022  
MONONA CITY HALL LARGE CONFERENCE ROOM  
4:00 P.M.

### NOTICE OF ELECTRONIC MEETING

Due to the COVID-19 pandemic, an electronic videoconferencing/teleconferencing option is available for this meeting. As such, it is possible that some or all members of, and a possible quorum, may be in attendance via electronic means and not physically present. In accordance with Wisconsin law, the meeting will remain open to the public. The public may attend in person at the location stated in this agenda. However, due to the need to maintain social distancing and the limited physical space available, the public is also able to attend via electronic means. Directions to do so are listed at the end of this agenda. Upon reasonable notice, the needs of disabled individuals will be accommodated through auxiliary aids or services. For additional information or to request this service, contact Alene Houser at 608-222-2525.

1. Call to Order
2. Roll Call
3. Approval of Minutes of December 15, 2021
4. Appearances
5. Unfinished Business
6. New Business
  - A. Consideration/Discussion of Ordinance 1-22-746 Amending Section 335-8 of the Code of Ordinances Prohibiting Noise Disturbing the Peace.
7. Adjournment

### DIRECTIONS TO ATTEND MEETING ELECTRONICALLY

You may attend via videoconference at <https://us02web.zoom.us/j/83676995657> or by downloading the free Zoom program to your computer at <https://zoom.us/download>. At the date and time of the meeting log on through the Zoom program and enter Meeting ID: 836 7699 5657.

You may attend via telephone conference by calling the following phone number:

PHONE NUMBER: 1-312-626-6799 / MEETING ID: 836 7699 5657, FOLLOWED BY #

Please mute your phone when not speaking to ensure best possible audio quality.

**NOTE:** Upon reasonable notice, the City of Monona will accommodate the needs of disabled individuals through auxiliary aids or services. For additional information or to request this service, contact Alene Houser at (608) 222-2525 (not a TDD telephone number), FAX: (608) 222-9225, or through the City Police Department TDD telephone number 441-0399. The public is notified that any final action taken at a previous meeting may be reconsidered pursuant to the City of Monona ordinances. A suspension of the rules may allow for final action to be taken on an item of New Business. It is possible that members of and a possible quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information or speak about a subject, over which they have decision-making responsibility. Any governmental body at the above stated meeting will take no action other than the governmental body specifically referred to above in this notice.

LICENSE REVIEW COMMITTEE MINUTES  
December 15, 2021

The re-scheduled regular meeting of the License Review Committee for the City of Monona was called to order by Chair Wood at 4:05 p.m.

Present: Chair Doug Wood, Jill Mueller, Wayne Kimmell, Dan Kramarz, and Cassidy Wartenweiler

Also Present: Community Resource Officer Nathan Reynolds, City Attorney William Cole, Sunny Massage Owner Yang Wang, Dr. Kimberly McGriff (via telephone), Deputy Clerk Alene Houser, and City Clerk Joan Andrusz

ROLL CALL

Chair Wood welcomed Ms. Wartenweiler to her first Committee meeting.

APPROVAL OF MINUTES

A motion by Mr. Kramarz, seconded by Ms. Mueller to approve the minutes of the October 12, 2021 License Review Committee meeting, was carried.

APPEARANCES and UNFINISHED BUSINESS

There were no Appearances or Unfinished Business.

NEW BUSINESS

CRO Reynolds began Consideration/Discussion Of 2020/2021 Massage Establishment License For Yang Wang, Sunny Massage, 105 River Place, Monona, Wisconsin, 53716, reporting he's had no communication issues in his interactions with Ms. Wang. City Attorney Cole stated he was present because of recent Police Department contact with Ms. Wang that he was asked to advise on, including that CRO Reynolds had issued citations to Ms. Wang. This is a hearing only, with no discussion or action, to allow Ms. Wang to hear from the Committee and ask questions.

CRO Reynolds reported he has received complaints from Dr. McGriff, the Chiropractor next door to Sunny Massage. He has stopped in to check on Sunny Massage and everything was up to date with no issues. Ms. Wang's mother works for her but was told on June 8 and 9 that she cannot give massages and the business can't be open if she is the only one there. He gave warnings and shut them down, giving them the benefit of the doubt.

On November 2 he stopped in, the sign was on, and no one was in front. The mother, Lu Hung, came up from the back and confirmed that no one was there. As he went toward the back, she started to make a phone call, told him there were no customers, and grabbed his wrist. He knocked on a door in back and a man answered. CRO Reynolds told the customer to get dressed and come out. The customer said she started the massage; he was embarrassed and didn't want to get any more involved. Ms. Hung said she only put a towel on the customer. The other masseuse was supposed to be there but came 40 minutes later. CRO Reynolds issued a citation for not having a licensed masseuse on premise. They were cited for the same thing in April and were given several warnings.

Chair Wood called Dr. McGriff who reported that from the beginning the only clients at Sunny Massage are middle-aged Caucasian men. In her 20-year career she has seen that men are harder to get to come in for a massage. Workers wear tight clothes and high heels, not the usual athletic shoes and loose clothing worn due to the work masseuses do. The clients never park in front of the business, but seem to obviously park far away, every single time, but know where they're going when they arrive. Dr. McGriff has been at the location since 2009 and serves women and children as well as men. The acupuncturists are women. Sunny Massage has no sign, is always dark, the blinds are closed, all lights are off. A patient told her the only place to find them online is on an erotic website with photos of scantily clad girls. 60 minute massages are advertised, including HJ (hand jobs) and prostate massages. The bodies of the masseuses are described. All the links on the business site are to adult sites. She is very disappointed in what she sees. Sunny Massage is situated between an acupuncturist, an H&R Block, and her business. She told CRO Reynolds she has no front desk person in her business; this is all what they see and patients tell them. No one from her business is watching or spying.

CRO Reynolds reported that before Sunny Massage's second approval, which was for renewal of her original application, he reviewed via Google a public record, open source search for massage parlors and found a site with Sunny Massage. It was not a very official page and on June 9 he told her to take that off. She agreed and it was gone. The new site was great but now in the fall it's back. CRO Reynolds used his laptop to find her website and a link that takes it to today's post, which advertises "new beautiful young girls" and has photos of girls in lingerie. He took the laptop to Ms. Wang to show her the photos. The page has all her business information and the links go to an "adult girls map". Ms. Wang said she doesn't know about it. CRO Reynolds reported it was updated today with 336 views, some of them him doing research, and took the laptop around to the members to show the business page and links.

Chair Wood stated today is not a hearing but is for providing information for possible future action. He repeated that only her mother was present and was giving a massage and is not licensed to do so. That and the information from Dr. McGriff carries the implication that sexual massage is being done and that is illegal. He asked Ms. Wang for her response.

Ms. Wang stated the scheduled worker wasn't there. Her mother only put a towel on the customer because he was there and she needed to cover him to keep him warm. She is sorry about her mother; she just wants to help her daughter. CRO Reynolds reported Ms. Wang has kept him updated on staff; he read three names, one of which has left employment. The need for a license was explained repeatedly and her mother heard it. The business can't be open, and her mother understood. This was very frustrating.

City Attorney Cole stated to Ms. Wang that she needs to understand; CRO Reynolds talked to the customer who said he was touched and if there is not a licensed masseuse on premise the door needs to be locked. She will keep getting tickets and he prosecutes those and will raise the penalty. Dr. McGriff thinks sexual massage is going on. He asked Ms. Wang why would she have scantily clad photos on her website. She needs to convince the Committee that sex is not happening or they will work toward taking her license away. He suggests taking all provocative content down and explain why her business is legitimate.

Ms. Wang responded that she pays a man \$300 per month for her website and doesn't know what he puts up or why. City Attorney Cole asked if she agrees to take the website down. Ms. Wang answered yes. City Attorney Cole asked if that would happen tonight. Ms. Wang answered yes. CRO Reynolds stated the rest of the page is professional but the links need to be disabled. Ms. Wang stated she told the man to take them off and doesn't know they're on there. City Attorney Cole stated Ms. Wang is the owner and is liable if other masseuses are giving improper massages; she is responsible. He intends to work closely with CRO Reynolds and keep tabs with him and Dr. McGriff, and take photos if anything is seen. He will then contact the Committee to take action to take her license away. She should make sure nothing illegal

is going on at her business; her business is being watched so she should keep that in mind. Ms. Wang showed City Attorney Cole her cellphone which showed texts messages that are soliciting sex and her responses telling them no and to stop asking.

Members discussed links to other businesses and members questioned whether Sunny Massage was part of a larger business group. Ms. Wang responded that it wasn't, it is only her, the sole owner. She and one other masseuse work during the open hours of 9:00 a.m. to 10:00 p.m. 7 days per week. Ms. Mueller questioned whether the clients are only men. Ms. Wang responded most customers are men but she has 2 or 3 women and customers are of all ages. She doesn't know about the dress of workers; there is no sexual massage at the establishment. Ms. Mueller stated Ms. Wang has been told that at all times the business is open a licensed masseuse has to be on premise. It is frustrating to see her back in front of the Committee. She voted against the establishment's license renewal the first time; she is not surprised to see this.

City Attorney Cole stated tonight's meeting is for information only. Staff can bring issues to his and the Committee's attention for a formal hearing, if needed. Chair Wood stated to Ms. Wang that CRO Reynolds worked with her and it was going well but now the violation has been repeated. If there are no licensed masseuses on premise, turn the sign off and lock the door. CRO Reynolds has tried to help her and this has taken a lot of his time and the Committee's patience. The Committee has seen the issues and if it happens again action will be taken. Mr. Kramarz stated there have been two strikes and the next would be the third. There is no evidence beyond the website, but he is suspicious. Chair Wood explained the next steps would be a formal complaint, followed by a summons and a complaint hearing. City Attorney Cole repeated this and stated for now Ms. Wang is able to have her business, but it is being watched and the license will be revoked if there are any more violations.

#### ADJOURNMENT

A motion by Mr. Kimmell, seconded by Ms. Wartenweiler to adjourn, was carried. (4:57 p.m.)

Joan Andrusz  
City Clerk

**Ordinance No. 1-22-746  
Monona Common Council**

**AMENDING SECTION 335-8 OF THE CODE OF ORDINANCES PROHIBITING  
NOISE DISTURBING THE PEACE**

**WHEREAS**, the Chief of Police recommends various amendments to section 335-8 of the Code of Ordinances, prohibiting noise disturbing the peace; and,

**WHEREAS**, the Public Safety Committee reviewed the proposed changes and recommends adoption by the Common Council; and,

**WHEREAS**, the Common Council finds the changes appropriate and in furtherance of public health and safety.

**NOW, THEREFORE**, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** Section 335-8 of the Code of Ordinances is hereby amended to read as set forth in the attached Exhibit A.

**SECTION 2.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

**SECTION 3.** This ordinance shall take effect upon passage and publication as provided by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BY ORDER OF THE CITY COUNCIL  
CITY OF MONONA, WISCONSIN

\_\_\_\_\_  
Mary K. O'Connor  
Mayor

ATTEST:

\_\_\_\_\_  
Alene Houser  
City Clerk

Approval Recommended By: Public Safety Committee – 8/25/21

Council Action:

Date Introduced: 1-3-22

Date Approved: \_\_\_\_\_

Date Disapproved: \_\_\_\_\_

REDLINE MARKUP

§ 335-8 ~~Loud and unnecessary noise prohibited~~ Noise disturbing the public peace prohibited.

- A. ~~Loud and unnecessary noise~~ Noise disturbing the public peace prohibited. No person shall ~~use within the City any equipment for the amplification of sound so as to cause such amplified sound to be transmitted into a public street, alley or public place unless a permit has been granted, which states the time and place of the event, by the Chief of Police. It shall be unlawful for any person knowingly or wantonly to use or operate or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed~~ make, or assist in making, any noise tending to unreasonably disturb persons in the vicinity thereof, except as provided in subsections C and D below.
- B. Types of loud and unnecessary noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; ~~the use of any signaling device except one operated by hand or electricity;~~ the use of any horn, whistle or other device; ~~operated by engine exhaust~~ and the use of any signaling device when traffic is for any reason held up.
  - (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated of 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~~ manner which may tend to unreasonably disturb persons in the vicinity thereof. The operation of any set, instrument, phonograph, machine or device between the hours of 9:00 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. **[Amended 10-16-2017 by Ord. No. 9-17-689]**
  - (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
  - (4) Animals, birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
  - (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
  - (6) Exhausts. The discharge into the open air of the exhaust of any motor vehicle, steam engine, stationary internal combustion engine or motorboat except through a muffle or other device designed and manufactured to which will effectively prevent loud or explosive noises therefrom.

- (7) 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. on weekdays; 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. [Amended 10-16-2017 by Ord. No. 9-17-689]
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, 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 those streets indicating a school, hospital or court street.~~ 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) Light Motor Vehicles.

- a. It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA at any location within the corporate limits of the City of Monona. Measurement can be made at any distance greater than or equal to fifteen (15) feet from the closest approach to the vehicle.
- b. Notwithstanding the noise limit expressed in subsection a. above, it shall be unlawful for any person to operate a light motor vehicle such as to cause noise levels which may tend to unreasonably disturb persons in the vicinity thereof as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal.
- c. Notwithstanding the noise limit expressed in subsection a. above, it shall be unlawful for any person to operate a light motor vehicle such as to cause noise levels which may tend to unreasonably disturb persons in the vicinity thereof as a result of an exhaust system in which:
1. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or,
  2. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
  - 4.—Devices have been added to the original noise abatement devices, such that noise levels are increased.
  3. \_\_\_\_\_
- d. For the purposes of this section a light motor vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter or light truck with gross vehicular weight of less than eight thousand (8,000) pounds.—

C.(910.)—Exceptions. The provisions of this section shall not apply to:

~~a.~~(1) Any vehicle of the City while engaged in necessary public business.

~~b.~~(2) Excavations or repairs of streets or other public construction by or on behalf of the City, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.

~~e.~~(3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

CD. Permits for amplifying devices.

(1) Permit required. The use of loudspeakers or electronic amplifying devices on the public streets or in the parks of the City of Monona, or outdoors on private property in furtherance of a commercial enterprise, is prohibited unless the party ~~desiring to use~~ using, or permitting use of, such loudspeaker or amplifying device first obtains a permit ~~from the Chief of Police or his/her designee~~. **[Amended 8-6-2018 by Ord. No. 7-18-705]**

(2) Entities shall apply for an amplification permit through the City Clerk at least 14 days prior to the event. The City Clerk or his/her designee are authorized to issue permits for residential use of amplifying devices. Permits for the use of an amplifying device in furtherance of a commercial enterprise shall only be issued by the Public Safety Committee, or City Administrator, as follows. The City Clerk will forward the application to the Public Safety Committee for review and authorization. If there are extenuating circumstances as to why the applicant is unable to wait until the next regularly scheduled meeting of the Public Safety Committee, then the City Clerk may submit the application to the City Administrator or his/her designee for approval or denial of the permit. Grounds or reasons for denial or allowance. The Chief of Police shall have the authority to revoke such permit when he or she believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.

(3) No approval authority, either individually or in combination, may issue more than 45 days of amplification permits for a single park, property or street location within a calendar year.

~~Time restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance. [Amended 10-16-2017 by Ord. No. 9-17-689]~~

(4) Grounds or reasons for denial or allowance. The permit application may be denied if the circumstances demonstrate a reasonable likelihood the use of such loudspeakers or amplifying devices would unreasonably disturb the general public or persons in the vicinity, whether by volume, method, tone, pitch, location, time or other factors.

(5) The Chief of Police, or designee, shall have the authority to summarily revoke such permit when he or she determines such loudspeaker or amplifying device is becoming a nuisance or unreasonably disturbing persons in the vicinity because of the volume, method, tone, pitch, location, or factors.

(6) Time restrictions. The City Clerk shall not issue a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. Special amplification permits may be issued by the City Administrator for City-sponsored events. The permit shall indicate the special timeframe for amplification authorized under the special permit. No permit shall be granted to anyone who, in the determination of the issuing authority, intends to use said loudspeaker or amplifying device in

such a manner or for such a purpose as to constitute a nuisance. [**Amended 10-16-2017 by Ord.No. 9-17-689**]

§ 335-8 **Noise disturbing the public peace prohibited.**

- A. Noise disturbing the public peace prohibited. No person shall make, or assist in making, any noise tending to unreasonably disturb persons in the vicinity thereof, except as provided in subsections C and D below.
- B. Types of loud and unnecessary noises. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:
- (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for longer than three seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any horn, whistle or other device; and the use of any signaling device when traffic is for any reason held up.
  - (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner which may tend to unreasonably disturb persons in the vicinity thereof. The operation of any set, instrument, phonograph, machine or device between the hours of 9:00 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. **[Amended 10-16-2017 by Ord. No. 9-17-689]**
  - (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
  - (4) Animals, birds. The keeping of any animal or bird which causes frequent or long-continued unnecessary noise.
  - (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
  - (6) Exhausts. The discharge into the open air of the exhaust of any motor vehicle, steam engine, stationary internal combustion engine or motorboat except through a muffle or other device designed and manufactured to effectively prevent loud or explosive noises therefrom.
  - (7) 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. on weekdays; 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. **[Amended 10-16-2017 by Ord. No. 9-17-689]**

(8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, 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. 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) Light Motor Vehicles.

- a. It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA at any location within the corporate limits of the City of Monona. Measurement can be made at any distance greater than or equal to fifteen (15) feet from the closest approach to the vehicle.
- b. Notwithstanding the noise limit expressed in subsection a. above, it shall be unlawful for any person to operate a light motor vehicle such as to cause noise levels which may tend to unreasonably disturb persons in the vicinity thereof as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal.
- c. Notwithstanding the noise limit expressed in subsection a. above, it shall be unlawful for any person to operate a light motor vehicle such as to cause noise levels which may tend to unreasonably disturb persons in the vicinity thereof as a result of an exhaust system in which:
  1. The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or,
  2. The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
  3. Devices have been added to the original noise abatement devices, such that noise levels are increased.
- d. For the purposes of this section a light motor vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter or light truck with gross vehicular weight of less than eight thousand (8,000) pounds.

C. Exceptions. The provisions of this section shall not apply to:

- (1) Any vehicle of the City while engaged in necessary public business.
- (2) Excavations or repairs of streets or other public construction by or on behalf of the City, county or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

D. Permits for amplifying devices.

- (1) Permit required. The use of loudspeakers or electronic amplifying devices on the public streets or

in the parks of the City of Monona, or outdoors on private property in furtherance of a commercial enterprise, is prohibited unless the party using, or permitting use of, such loudspeaker or amplifying device first obtains a permit. **[Amended 8-6-2018 by Ord. No. 7-18-705]**

- (2) Entities shall apply for an amplification permit through the City Clerk at least 14 days prior to the event. The City Clerk or his/her designee are authorized to issue permits for residential use of amplifying devices. Permits for the use of an amplifying device in furtherance of a commercial enterprise shall only be issued by the Public Safety Committee, or City Administrator, as follows. The City Clerk will forward the application to the Public Safety Committee for review and authorization. If there are extenuating circumstances as to why the applicant is unable to wait until the next regularly scheduled meeting of the Public Safety Committee, then the City Clerk may submit the application to the City Administrator or his/her designee for approval or denial of the permit.
- (3) No approval authority, either individually or in combination, may issue more than 45 days of amplification permits for a single park, property or street location within a calendar year.
- (4) Grounds or reasons for denial or allowance. The permit application may be denied if the circumstances demonstrate a reasonable likelihood the use of such loudspeakers or amplifying devices would unreasonably disturb the general public or persons in the vicinity, whether by volume, method, tone, pitch, location, time or other factors.
- (5) The Chief of Police, or designee, shall have the authority to summarily revoke such permit when he or she determines such loudspeaker or amplifying device is becoming a nuisance or unreasonably disturbing persons in the vicinity because of the volume, method, tone, pitch, location, or factors.
- (6) Time restrictions. The City Clerk shall not issue a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. Special amplification permits may be issued by the City Administrator for City-sponsored events. The permit shall indicate the special timeframe for amplification authorized under the special permit. No permit shall be granted to anyone who, in the determination of the issuing authority, intends to use said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance. **[Amended 10-16-2017 by Ord.No. 9-17-689]**