

CHAPTER 24

OFFENSES AGAINST PEACE AND QUIET

Section

- 24.01 Unlawful Use of Emergency Telephone Number. (Cr. by ORD-10-00110, 11-17-10)
- 24.02 Disorderly Conduct.
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24.01 UNLAWFUL USE OF EMERGENCY TELEPHONE NUMBER.

- (1) It shall be unlawful to intentionally dial the emergency telephone number “911” to report an emergency to city departments knowing that the fact situation reported does not exist.
 - (2) No parent, guardian or other adult person having the care and custody of a child shall suffer or permit or by inefficient control all such child to violate subsection (1).
 - (3) Any person who violates any provision of this section shall be subject of a penalty not more than one thousand dollars (\$1000).
- (Cr. by ORD-10-00110, 11-17-10)

24.02 DISORDERLY CONDUCT. Whoever does any of the following within the limits of the City of Madison shall be subject to a forfeiture of not more than five hundred dollars (\$500). (Am. by Ord. 13,716, 10-26-04)

- (1) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (2) With intent to annoy another, makes a telephone call, whether or not conversation ensues; or
- (3) While under the influence of alcohol, in a public place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. (Cr. by ORD-10-00065, 7-13-10)
- (4) Exception. It is not a violation of this section if the only behavior observed is the loading, carrying or going armed with a firearm, regardless as to whether the firearm is loaded or concealed or openly carried. This exception does not apply if there are facts and circumstances that indicate a criminal or malicious intent on the part of the individual with the firearm. (Cr. by ORD-11-00148, 10-27-11)

24.03 DISORDERLY HOUSES. No person shall keep, or aid or assist in keeping, or be an inmate of any disorderly house.

24.04 PROHIBITION OF NOISES DISTURBING THE PUBLIC PEACE.

- (1) It shall be unlawful for any person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

- (2) It shall be unlawful for any person, firm, corporation, or other entity occupying or having charge of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, stereo or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity. (Am. by Ord. 7506, 9-3-81; Ord. 12,474, 9-27-99)

(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.

(Am. by Ord. 12,474, 9-27-99)

(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 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. (Am. by Ord. 9883, 10-26-89; Ord. 12,474, 9-27-99)
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 following performance areas and the following days and times:
 - a. "The Podium." The 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;
 - 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.

4. Applications for an 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. (Am. by Ord. 13,176, 11-5-02)
 - 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 shall be granted more than three (3) weeks ahead of the date requested. A person, firm, corporation or other entity shall not be eligible for more than one (1) advance (i.e. not same-day) permit reservation 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. No person, firm, corporation or other entity may obtain a permit for more than one (1) available time period at any designated amplification area within a 24-hour period.
 - d. A sponsor of a special event which encompasses one or more of the State Street Mall or other downtown amplification 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.
 5. 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. (Am. by Ord. 12,474, 9-27-99; Ord. 13,276, 3-21-03)
 - (c) It shall be unlawful for any person to use or operate, or cause to be used or operated in or upon any area within the Henry Vilas Zoo property, 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 as specifically authorized by the Henry Vilas Zoo Director. (Cr. by ORD-11-00168, 12-6-11)
 - (d) Violation of this section in connection with any license or permit shall be cause for the revocation thereof. (Renum. by ORD-11-00168, 12-6-11)
 - (e) 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. (Cr. by Ord. 12,474, 9-27-99; Renum. by ORD-11-00168, 12-6-11)
- (Sec. 24.04(3) Am. by Ord. 7803, 8-13-82; ORD-11-00058, 4-7-11)
- (4) Animal or Bird Noise. It shall be unlawful for any person, firm, corporation, or other entity operating, having charge of, or occupying any building or premises to keep or allow to be kept any animal or bird which shall habitually by any noise disturb the peace and quiet of any person in the vicinity thereof.

- (5) Vehicles Containing Animals. It shall be unlawful for any person, firm, corporation, or other entity to park or leave standing for more than fifteen (15) minutes within the limits of the City of Madison a vehicle containing livestock, live fowl or other living animals excepting exhibits authorized by permit issued by the Chief of Police or the City Clerk.
- (6) Selling of Newspapers in Residential Districts. It shall be unlawful for any person, firm, corporation, or other entity to make or permit to be made any outcry or other loud or disturbing noise in the streets in any residential district, for the purpose of selling or attempting to sell newspapers or magazines between the hours of 10:00 p.m. and 8:00 a.m. weekdays and 10:00 a.m. Sundays or holidays. For purposes of this section, "residential district" shall be deemed to include every district in which fifty percent (50%) or more of the property fronting on the street is used for residence purposes.
- (7) Operation of Refuse Collection Vehicles and Refuse Collection Vehicles' Compacting Equipment.
- (a) No person shall:
1. Collect refuse or permit the collection of refuse with a refuse collection truck between the hours of 10:00 p.m. and 6:00 a.m. within two hundred (200) feet of any lot with a residential use.
 2. Operate or permit the operating of the compacting equipment mechanism of any motor vehicle which compacts refuse between the hours of 10:00 p.m. and 6:00 a.m. within two hundred (200) feet of any lot with a residential use.
- (Am. by ORD-12-00151, 12-10-12)
- (b) The following exceptions shall apply:
1. The Pedestrian/Bicycle/Motor Vehicle Commission may designate certain locations as exempt from this provision, if it determines that such exemption is necessary because of public safety.
 2. The Director of Public Works and Transportation may determine that an emergency exists, because of fire, flood, civil disturbance, or the like. During such a period of emergency, this subsection shall not apply. No such period of emergency may continue for more than fifteen (15) consecutive days, unless the Common Council approves the longer period.
 3. Subsec. 24.04(7)(a) shall not apply during and for a period of forty-eight (48) hours after the conclusion of a "special event." A "special event" is one for which a Street Use Permit has been issued under Sec. 10.056.
- (c) This ordinance shall be effective February 1, 2001.
(Sec. 24.04(7) Cr. by Ord. 11,228, 4-13-95; Am. by Ord. 12,474, 9-27-99; Ord. 12,740, 12-29-00)
- (8) Selling of Goods or Services. It shall be unlawful for any person, firm, corporation or other entity to make or cause to be made for the purpose of advertising or announcing a vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services, or anything whatsoever, or with the carrying on of any trade, occupation, vocation or profit making activity, an immediate or excessive use of the voice, or of any bell, gong, horn, instrument, article or sound-making device.
- (Cr. by Ord. 12,474, 9-27-99)
- (9) Private Noise Amplification Permit.
- (a) Application Form. An application for a private noise amplification permit on properties of residential use shall be made in-person using the form provided by the Zoning Section staff. The application shall set forth the following information:
1. The name, address and telephone number of the applicant or applicants. The applicant shall be the event sponsor. If the application is being filed by someone else on behalf of the event sponsor, that person shall also provide their name, title, address, and phone number.

2. In addition to the information required in subparagraph 1. above, if the applicant is not an individual, the full name and business or headquarters address of the organizational entity shall be provided. If the applicant is a corporation, limited liability company, or limited partnership, the name and address of the registered agent shall also be provided. If the entity is a general partnership, the name, and address of at least one (1) general partner shall be provided.
3. The name, address and telephone number of the person or persons who will be responsible for conducting and/or managing the event, if different from the individual(s) named in subparagraph 1. or 2. above. This person shall also provide a mobile phone, pager number, or other means for immediate contact during the event, and shall have the private noise amplification permit available for inspection at all times during the event.
4. The exact date, beginning and ending times and a brief description of the event.
5. The street address where the event will occur.
6. Any additional information that the Zoning Section staff finds reasonably necessary to a fair determination as to whether a permit should be issued.

(b) Application Process and Permit Requirements.

1. Application. A private noise amplification permit application, the application fee, the signature petition, a sample notification, and any additional materials shall be submitted to the Zoning Section staff. Only complete applications containing all of the information required under sub. (a) and this subparagraph shall be considered.
2. Application Fee. A nonrefundable application fee of thirty dollars (\$30) shall be submitted when an address list for the signature petition and notification is generated by Zoning Section staff.
3. Petition Required. The application shall be accompanied by a petition accurately describing the event to take place and designating the location, date and time of the event. The petition shall be signed or approved by email by an adult resident of not less than seventy-five percent (75%) of all residential dwelling units and by a manager or owner of all non-residential occupancies within four hundred (400) feet, as identified in the address list generated by Zoning Section staff, of the address of the event. The petition form shall be included with the permit application and completed petitions shall be verified by Zoning Section staff. At the time of initial application Zoning Section staff shall mail notification to the landlord of the property at which the event will occur, announcing that an application has been made.
4. Notification Requirements. At least 48 hrs prior to the event the applicant shall deliver personally or by email written notices announcing the event location, date, and time, to each residential and commercial unit within four hundred (400) feet, as identified in the address list generated by Zoning Section staff. If the applicant is not the owner of the property at which the event will occur written notice must also be delivered to the applicant's landlord. The notices required by this subparagraph shall be in addition to the petition required under subparagraph 3., and a sample of such notice shall be included with the permit application.
5. Deadline for Applications. An application for a private noise amplification permit shall be submitted not less than 10 days prior to the date of the proposed event.
6. Sound Level. The level of any noise produced pursuant to this permit shall not be plainly audible under normal conditions from a distance of more than 400 feet.
7. Time Period. A private noise amplification permit shall be valid for a single date, and for a time period of no more than three consecutive hours.

8. Permissible Hours. A private noise amplification permit shall only be approved for hours between 9 a.m. and 9 p.m. Sunday through Thursday, and between 9 a.m. and 10 p.m. Friday and Saturday.
- (c) Standards for Issuance. The following standards established within this subdivision, in addition to any other mandatory requirements within Sec. 24.04(9) or elsewhere in these Ordinances, and as amended from time to time, shall govern the issuance of private noise amplification permits. A private noise amplification permit shall be issued to an applicant unless:
1. A private noise amplification permit has been granted for the same date for two residences within 400 feet of the listed address.
 2. The applicant has provided fraudulent information as part of the application.
 3. A private noise amplification permit was issued for the listed address within the previous one hundred eighty (180) days.
 4. Within the past 2 years, the applicant was granted a private noise amplification permit which was terminated pursuant to subdivision (f).
- (d) Appeal Procedure. Any applicant may appeal the denial of a private noise amplification permit to the Board of Building Code, Fire Code, Conveyance Code, and Licensing Appeals according to the procedures set forth in Sec. 29.18, MGO.
- (e) Severability. Each provision or requirement of any portion of this subsection shall be considered separable, and the invalidity of any portion of this subsection by a court of competent jurisdiction shall not affect the validity or enforceability of any other portion.
- (f) Termination of a Private Noise Amplification Permit. A private noise amplification permit for an event in progress may be terminated by the Chief of Police or designee if termination is a reasonable and necessary response in the face of imminent danger or threat to public safety, if the safety of the public is imminently endangered by activities generated during the event, or if there is a violation of any condition of the permit such that the standards of issuance are no longer met. This specifically includes a violation of the maximum permissible sound level.
- (g) Penalties.
1. A violation of the maximum permissible sound level shall be considered a violation of Sec. 24.04(2).
 2. An applicant who submits a petition containing fraudulent information shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500).
 3. An applicant who fails to follow the notification procedure under (b)4. shall be subject to a forfeiture of not less than two hundred and fifty dollars (\$250) nor more than five hundred dollars (\$500).

(Sec. 24.04(9) Cr. by ORD-10-00093, 9-27-10)

24.05 BATTERY.

(1) Definitions.

“Bodily harm” means physical pain or injury, or illness or any impairment of physical condition.

“With intent” means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

(2) It shall be unlawful to cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.

(3) Any person convicted of a violation of this section shall be subject to a penalty of not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2000).

(Sec. 24.05 Cr. by ORD-11-00109, 8-10-11)

24.06 RESERVED FOR FUTURE USE. (R. by Ord. 4655, 8-2-74)

24.07 OBSTRUCTION OF BUILDINGS. It shall be unlawful for any person to block or obstruct in any manner the entrance, stairway, hallway, or exit to any public or private building or dwelling place, or portion thereof. (Am. by Ord. 10,921, 5-27-94)

24.08 NOISE CONTROL REGULATION

- (1) Statement of Purpose. The City of Madison recognizes that excessive noise is a serious threat to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of noise sources which was not available in the past. Therefore, it is the policy of the City to prevent and abate excessive noise which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the city.
- (2) Definitions. All terminology used in this ordinance, not defined below or elsewhere within the Madison General Ordinances, shall be given the definitions provided by applicable publications of the American National Standards Institute (ANSI) or its successor body.
 - (a) A-Weighted Sound Level: the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated as db(A) or dBA.
 - (b) Ambient Noise: the all-encompassing noise associated with a given environment being usually a composite of sounds from near and far.
 - (c) Authorized Emergency Vehicle: the City hereby adopts and incorporates the definition of this term as set forth in Sec. 340.01(3), Wis. Stats. and any subsequent modification, revision, or amendment of that term as set forth in that section of the Wisconsin Statutes.
 - (d) Construction: any and all non-emergency related activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
 - (e) Emergency Work: work necessary to restore property to a safe condition following a public calamity, work required to restore public utilities, or work required to protect persons or property from imminent exposure to danger.
 - (f) Impulse Noise: sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulse sound include explosions, drop forge impacts and the discharge of firearms.
 - (g) Muffler: properly-functioning sound dissipative device or system for abating sound of escaping gases on equipment where such device is part of the normal configuration of powered equipment.
 - (h) Noise: any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological or physiological effect on humans.
 - (i) Nuisance Noise: those noises which constitute a violation of Sec. 24.04 of the Madison General Ordinances.
 - (j) Receiving Zone: the zoning classification district in which the real property receiving the noise is located. The zoning classifications shall be those as set forth in Chapter 28 of the Madison General Ordinances.
 - (k) Sound Level Meter: an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in the American National Standards Institute ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 or its successor.
 - (l) Source Zone: the zoning district in which is located the real property from which noise originates. The zoning classification shall be that as set forth in Chapter 28 of the Madison General Ordinances.
 - (m) Stationary Noise: noise which the source thereof is either affixed to or operated upon a fixed point of land, building or other real property.

- (n) Traffic Noise: the sound emanating from the operation of motorized vehicles upon public streets and highways. The sound which emanates from the operation of motorized vehicles upon private property shall be considered as stationary noise for the purposes of this section.
- (3) Exemptions. The provisions of this ordinance shall not apply to the following:
- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.
 - (b) Warning devices necessary for the protection of public safety, the emission of any noise necessary for the protection of the health, safety, or welfare of person or property or to any noise which is either necessary or required by law.
 - (c) The operation of authorized emergency vehicles.
 - (d) Outdoor gatherings, public dances, shows, and sporting and entertainment events for which a permit or license is required and obtained pursuant to Madison General Ordinances.
 - (e) Public works projects as authorized by the United States government, the State of Wisconsin and/or other political subdivisions.
 - (f) Limited Exemptions for Construction Noise.
 1. Monday through Saturday. No person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m., from Monday through Saturday, in such a manner as to unreasonably interfere with the peace, comfort and quality of life of neighboring persons of ordinary sensibilities, except as otherwise provided in this subsection (f).
 2. Sunday. On Sunday, no person shall operate or permit the operation of any equipment used in construction work before 10:00 a.m. and after 7 p.m. in such a manner as to unreasonably interfere with the peace, comfort and quality of life of neighboring persons of ordinary sensibilities, except as otherwise provided in this subsection (f). (Am. by ORD-13-00073, 5-14-13)
 3. Permitted Hours of Operation of Construction Equipment. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 p.m. from Monday through Saturday or between the hours of 10:00 a.m. and 7 p.m. on Sunday.
 4. Operation of Construction Equipment Outside of Permitted Hours. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 p.m. and 7:00 a.m. from Sunday evening through Saturday morning, or between the hours of 7 p.m. Saturday and 10:00 a.m. on Sunday, if the Common Council, following a hearing before the Board of Public Works, approves temporary construction work during this period. A notice of such public hearing shall be sent at least ten (10) days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property, in whole or in part, situated within three hundred (300) feet of the boundaries of the properties of the properties on which the construction is to take place.
 5. Emergencies. The hour limitations in this subsection (f), shall not apply to emergencies where immediate action is required.

(Sec. 24.08(3)(f) Rep. & Rec. by ORD-12-00156, 12-19-12)

- (g) Any fireworks display licensed under and operated in compliance with Sec. 34.105(14)(b), Madison General Ordinances, provided that such displays comply with any and all licensing and permit requirements of the Madison General Ordinances. (Am. by ORD-14-00012, 1-14-14)
 - (h) Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.
 - (4) Education and Enforcement.
 - (a) Education. The Department of Public Health Madison and Dane County is responsible for implementing an educational program to raise citizen awareness of this ordinance, the steps involved in enforcing this ordinance and methods for abating or reducing noise. Education may consist of developing an educational brochure and/or posting such materials on the internet. (Am. by ORD-15-00009, 1-28-15)
 - (b) Enforcement.
 - 1. Responsibility for Enforcement. The Building Inspection Division of the Department of Planning and Community and Economic Development (hereinafter the "Building Inspection Division") is the primary agency responsible for the enforcement of this ordinance Sec. 24.08 of the Madison General Ordinances unless otherwise noted herein.
 - 2. Duties of the Director of the Building Inspection Division. The Director of the Building Inspection Division (hereinafter the "Director") is responsible for:
 - a. Investigating all complaints regarding alleged violations of this ordinance.
 - b. Issuing orders under his/her authority pursuant to Sec. 27.09, Madison General Ordinances, requiring violators to comply with this ordinance and for issuing citations for violations of this ordinance. The Director may delegate these responsibilities to the inspectors appointed under the authority of sub. 24.08(4)(b)(2) c. below.
 - c. Ensuring that a sufficient number of his/her staff are trained and knowledgeable in the current techniques and principles of sound measurement equipment and instrumentation.
 - d. Maintaining permanent and current records of all matters arising out of the enforcement of this ordinance.
 - e. At least every 5 years, report to the Common Council on the impact of 24.08 and make recommendations which will improve this ordinance or its enforcement.
- (Am. by ORD-08-00109, 10-7-08)
- (5) Determining Sound Levels. Sound levels shall be measured using the following procedures:
 - (a) All persons conducting sound measurements to assess compliance with this ordinance must be trained in the current techniques and principles of sound measurement equipment and instrumentation.
 - (b) Instruments used to measure sound levels must, as a minimum standard, conform to the specifications of the American National Standard Institute ANSI S1.4-1983 (Revised 2001) with Amendments S1.4A-1995 for Type 1 or Type 2 sound level meters. Sound level meters shall be capable of both fast and slow meter response.

- (c) The following steps must be followed when preparing to take sound level measurements:
1. The instrument manufacturer's specific instructions for preparation and use of the instrument shall be followed.
 2. The sound level meter shall be calibrated periodically, in accordance with the manufacturer's instructions.
 3. When outdoor measurements are taken, a windscreen shall be placed over the microphone of the sound level meter in accordance with the manufacturer's instructions.
 4. The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and placed at least four (4) feet above the ground. The meter shall be placed so as not to be interfered with during the taking of sound measurements.
 5. Measurements shall be taken at any point within a receiving zone which point is outside of the property line of the source of the stationary noise.
 6. Impulsive noise shall be measured with the sound level meter set for fast meter response, all other noise shall be measured with the sound level meter set for slow meter response.
 7. Under this section, noises capable of being accurately measured are those noises which cause no more than (+ or -) two decibels fluctuation of the sound level meter or, in the case of impulsive noise, the mean average of four peak readings measured over the period of an hour.
- (6) Maximum Permissible Sound Levels.
- (a) General Limitations: Effective upon the enactment of this ordinance, in the following zoning districts (as set forth in Chapter 28, Madison General Ordinances) the sound emitted from any source of stationary noise shall not exceed the following limits at any point within a receiving zone which point is outside of the property line of the source of the stationary noise:

Receiving Zone Classified	Source Level Zoned	Maximum dBA
Residential, Conservancy, Planned Mobile Home Park Districts	All zoning districts	65 dBA
Limited Mixed-Use (LMX), Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Suburban Employment Center (SEC), Employment Campus (EC), Suburban Employment (SE), Parks and Recreation (PR), Urban Office Residential (UOR), Urban Mixed-Use (UMX), Campus Institutional (CI), Planned Development (PD)	Residential, Conservancy, Planned Mobile Home Park Districts	65 dBA
	Limited Mixed-Use (LMX), Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Suburban Employment Center (SEC), Employment Campus (EC), Suburban Employment (SE), Parks and Recreation (PR), Urban Office Residential (UOR), Urban Mixed-Use (UMX), Campus Institutional (CI), Planned Development (PD) Districts	70 dBA
Industrial – Limited (IL), Industrial-General (IG), Airport (AP), Commercial Center (CC), Commercial Corridor – Transitional (CC-T), Traditional Employment (TE), Agriculture (A), Urban Agricultural (UA), Downtown Core (DC)	Residential, Conservancy, Planned Mobile Home Park Districts	65 dBA
	Limited Mixed-Use (LMX), Neighborhood Mixed-Use (NMX), Traditional Shopping Street (TSS), Suburban Employment Center (SEC), Employment Campus (EC), Suburban Employment (SE), Parks and Recreation (PR), Urban Office Residential (UOR), Urban Mixed-Use (UMX), Campus Institutional (CI), Planned Development (PD) Districts	70 dBA
	Industrial – Limited (IL), Industrial-General (IG), Airport (AP), Commercial Center (CC), Commercial Corridor – Transitional (CC-T), Traditional Employment (TE), Agriculture (A), Urban Agricultural (UA), Downtown Core (DC) Districts	75 dBA

(Am. by ORD-13-00087, 5-29-13)

- (b) Additional Restrictions on Impulse Noise. A reduction of 5 dBA will apply to each of the limitations set forth under sub. (6)(a) and above for all impulse noises.
- (c) All new equipment and new vehicles powered by internal combustion engines sold in the City of Madison after January 1, 1972 shall comply with sound level standards for engine powered equipment and vehicles as specified in Sound Levels for Engine Powered Equipment, SAE Standard J952b, revised January 1969, of the Society of Automotive Engineers, and as listed in Table 1 below.

Table 1. Maximum Sound Level.

Type of Equipment	dBA at 50 feet
Construction and industrial machinery encompassing only mobile equipment, powered by internal combustion engines, such as crawler tractors, dozers, loaders, power shovels and cranes, motor graders, paving machines, off highway trucks, ditchers, trenchers, compactors, scrapers and wagons.	88 dBA
Engine powered equipment of 5 hp. or less intended for use in residential areas at frequent intervals. Typical pieces of such equipment are lawn mowers, small garden tools, riding tractors and snow removal equipment. This specifically excludes commercial equipment not intended for frequent use in residential areas.	70 dBA
Engine powered equipment exceeding 5 hp. but not greater than 20 hp. intended for use in residential areas at frequent intervals. Typical pieces of such equipment are lawn mowers, small garden tools, riding tractors and snow removal equipment. This specifically excludes commercial equipment not intended for use in residential areas.	78 dBA
Engine powered commercial equipment of 20 hp. or less intended for infrequent use in residential areas.	88 dBA
Farm and light industrial tractors.	88 dBA

- (d) All new highway motor trucks, truck tractors and buses sold in the City of Madison after January 1, 1975 shall comply with sound level standards for such vehicles as specified in Exterior Sound Levels for Heavy Trucks and Buses, SAE Standard J366, approved July 1969, of the Society of Automotive Engineers.
 - (e) All new passenger cars and light trucks sold in the City of Madison after January 1, 1975 shall comply with sound level standards for such vehicles as specified in Sound Level for Passenger Cars and Light Trucks, SAE Standard J986a, revised July 1968, of the Society of Automotive Engineers.
 - (f) It is the policy of the City of Madison to purchase only equipment which complies with SAE Standard J952b.
 - (g) The Police Department shall have the responsibility of enforcing Sections 24.08(6)(c) through (f).
- (7) Variance for Ambient Noise. When the ambient noise at the site of a stationary or fixed noise producing device equals or exceeds the decibel limits provided in this section, the owner or operator of a stationary or fixed noise producing device may seek a variance from the noise limitations herein. Application for a variance from the noise limitation in a zoning district shall be made to the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals. The Board shall act upon and hear all applications for a variance under this subsection. The Board may grant the appeal where the Board finds that the ambient noise equals or exceeds the decibel limits for the receiving property and that the combination of the ambient noise and the noise from the stationary or fixed noise device does not exceed the limit for the receiving affected property by not more than 10 db. (Am. by ORD-09-00019, 3-14-09)
- (8) Nonconforming Use. Any nonconforming stationary or fixed noise producing device which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any stationary or fixed noise producing device which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued to be used, as provided in this subsection.
- (a) Any nonconforming stationary or fixed noise producing device shall not be modified, altered, added to, or enlarged in any manner unless such modifications, alterations, additions, or enlargements thereto are made to conform with all of the noise control regulations applicable to the device.
 - (b) Any nonconforming stationary or fixed noise producing device which is discontinued for a period of one year shall not be used unless the use is made to conform with all of the noise regulations applicable to the device.
 - (c) Any nonconforming stationary or fixed noise producing device shall not be repaired or restored to the extent that the cost of repair or restoration exceeds fifty percent (50%) of the full market value of the device. In the event that damage or destruction requires repairs or restoration which is less than fifty percent (50%) of such market value, repairs or restoration may be made if work is commenced within one year from the date of the partial destruction and is diligently prosecuted to completion.
- (9) Effect of Zoning Change of Affected Property. When the zoning classification of a receiving property is changed in a manner which would result in an existing noise source being in noncompliance with this ordinance, the noise source shall be considered a nonconforming use and shall be subject to the provisions of Subsec. (8) of this section.

- (10) Penalties. Any person violating any provision of subsection (6) of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense and for each day or portion thereof for a continuing or recurring offense. Any person who has been previously convicted of a violation of this ordinance in the twelve months preceding the instant offense shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00). Any person who has been previously convicted of two or more violations of this ordinance in the twelve months preceding the instant offense shall be subject to a forfeiture of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).
- (11) Severability. If any provision, clause, sentence, paragraph, or phrase of this ordinance or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

(Sec. 24.08 R. & Recr. by Ord. 13,529, 2-24-04)

24.09 LIGHT MOTOR VEHICLE NOISE CONTROL.

- (1) Declaration of Findings and Policy. Excessive noise from light motor vehicles is a serious hazard to the public health and welfare, safety, and the quality of life. A substantial body of science and technology exists by which excessive noise from light motor vehicles may be substantially abated. The people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life. Therefore, it is the policy of the City of Madison to prevent excessive noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.
- (2) Scope. This ordinance shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Madison.
- (3) Definitions.
 - (a) Terminology. All terminology used in this ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.
 - (b) A-Weighted Sound Level. This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB (A) or dBA.
 - (c) Noise Level. This shall refer to the A-weighted sound level produced by a light motor vehicle.
 - (d) Person. This means any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.
 - (e) Sound Level Meter. This means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standards ANSI S1.4-1971 or its successor.
 - (f) Sound Pressure Level. This means (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.
 - (g) Noise. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
 - (h) Light Motor Vehicle. For the purposes of this ordinance 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.
 - (i) Modified Exhaust System. It is 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.

- (4) 80 dBA Noise Limit. 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 Madison. Measurement can be made at any distance greater than or equal to fifteen (15) feet from the closest approach to the vehicle.
- (5) Excessive Noise. Notwithstanding the noise limit expressed under Subsection (4), it shall be unlawful for any person to operate a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. (Am. by Ord. 11,896, 7-14-97; Ord. 12,786, 4-9-01)
- (6) Sound Producing or Amplification Devices.
- (a) Notwithstanding the noise limit expressed in Sec. 24.09(4) of these ordinances and except as provided in Wis. Stat. § 347.38(1), no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from a distance of seventy-five (75) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. This subsection does not apply to any of the following:
1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
 2. The operator of a vehicle of a public utility, as defined in Wis. Stat. § 11.40(1)(a).
 3. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
 4. The activation of a theft alarm signal device.
 5. The operator of a vehicle that is being used for advertising purposes.
 6. The operator of a motorcycle being operated outside of a business or residence district.
- (b) Any owner, operator, or agent having control over the subject equipment violating any provision of this section shall, for the first violation, be subject to a forfeiture of not less than forty dollars (\$40) nor more than eighty dollars (\$80); for the second or subsequent violation within a year, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200). (Am. by Ord. 13,760, Adopted 12-14-04)

(Cr. by Ord. 12,786, 4-9-01; Am. by ORD-13-00074, 5-14-13)

- (7) Signaling Devices. It shall be unlawful for any person to operate any horn or other audible signaling device on any motor vehicle except in an emergency or when required by law.
- (8) Severability. If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(Renum. by Ord. 12,786, 4-9-01)

NOTE: The Police Advisory Committee recommended that the Council review this ordinance in May of 1984, which motion was adopted by the Common Council.

(Sec. 24.09 Cr. by Ord. 7669, 3-22-82)

24.10 - 24.11 RESERVED FOR FUTURE USE.

24.12 PANHANDLING PROHIBITED. (Title Am. by ORD-12-00113, 9-26-12)

- (1) Purpose. The purpose of this ordinance is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the City of Madison. The ordinance also provides protections in the Central Business District. This area is a special and unique area of the City of Madison, constituting the connection between the University of Wisconsin and the State Capitol, and having numerous businesses, restaurants and entertainment venues. The State Street Mall is a Transit Mall, with limited or no access to motor vehicles by the public. The City of Madison has a significant public and governmental interest in encouraging the public presence of residents and visitors in the Central Business District, and their unimpeded use of public areas and private businesses in the area by insuring that residents and visitors are able to walk unobstructed in this area without being stopped and asked for a handout. Thousands of individuals walk in this area on a daily basis and the City has a significant interest in providing a safe, pleasant environment and encouraging visitors to frequent this area. The City has received regular complaints from businesses and residents of the Central Business District on the deleterious effect of panhandling in the area. The city finds that a ban on panhandling in this downtown area will serve these important interests. The City has determined that a significant number of individuals that request handouts, turn around and use the donated money to purchase alcohol. By eliminating the ability to procure a handout in close proximity to liquor establishments the City in turn hopes to reduce the cycle of abuse.

- (2) Definitions. As used in this section:

“Central Business District” for purposes of this ordinance is defined to include the 100 through 800 blocks of State Street Mall, North Park Street from University Avenue to Lake Mendota, East Campus Mall, Fitch Court, North Lake Street from University Avenue to Lake Mendota, North Frances Street from University Avenue to Langdon Street, Langdon Street from North Park Street to North Frances Street, University Avenue from North Park Street to North Frances Street, West Gilman Street from University Avenue to North Henry Street, West Gorham Street from University Avenue to North Carroll Street, West Johnson Street from North Broom Street to North Carroll Street, Dayton Street from State Street to North Webster Street, Mifflin Street from North Henry Street to North Webster Street, West Washington Avenue from Henry Street to Carroll Street, East Washington Avenue from Pinckney Street to Webster Street, Main Street from South Henry Street to South Webster Street, Doty Street from South Fairchild Street to South Webster Street, Wilson Street from South Carroll Street to 120 East Wilson Street, North Broom Street from West Dayton Street to State Street, Henry Street from West Main Street to West Gorham Street, Fairchild Street from West Doty Street to State Street, Carroll Street from West Wilson Street to West Johnson Street, Pinckney Street from East Wilson to East Dayton Street, Webster Street from East Doty Street to East Dayton Street, Wisconsin Avenue from Mifflin Street to Dayton Street, North Hamilton Street from East Mifflin Street to North Webster Street, King Street from East Main Street to South Webster Street, Martin Luther King Jr. Blvd. from Wilson Street to Main Street, South Hamilton Street from South Fairchild Street to West Main Street. This area is depicted in the map at the end of this section.

(Am. by ORD-05-00116, 6-28-05)

“Intersection” has the meaning designated in Wis. Stat. § 340.01(25).

“Known panhandler” means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.

“Licensed alcohol establishment” means any retailer that is licensed to sell alcohol beverages under Chapter 38.

“Procure a handout” means to request from another person an immediate donation of money, goods or other gratuity, and includes but is not limited to seeking donations.

“Place open to the public” includes all places open to the public and includes but is not limited to streets, sidewalks, plazas, parks, driveways, parking lots, and all buildings open to the general public.

- (3) In any place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in a manner or under circumstances manifesting an express or implied threat or coercion. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person repeatedly and in a threatening fashion, beckons to, stops, or attempts to stop passer(s)-by; that such person engages passer(s)-by in threatening conversation; or that such person utilizes threatening bodily gestures. A conversation or gesture or both shall be construed as threatening if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money, goods or other gratuity by threat or coercion. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by threat or coercion. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- (4) In any place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person "no"; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. Behavior shall be construed as aggressive or intimidating if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare or place open to the public because of fear, concern or apprehension of said behavior. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.
- (5) It shall be unlawful for any person to procure or attempt to procure a handout within twenty-five (25) feet of any of the following locations:
- (a) an alcohol licensed establishment;
 - (b) Central Business District;
 - (c) an intersection;
 - (d) an open sidewalk café; or
 - (e) an automatic teller machine (ATM).
- (Am. by ORD-05-00116, 6-28-05)
- (6) Penalty. Any person violating this section shall be subject to a forfeiture of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), notwithstanding any provision of this chapter setting a different penalty. (Am. by ORD-10-00063, 6-23-10)

- (7) **Severability.** The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the Common Council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Sec. 24.12 Am. by Ord. 10,769, 11-1-93; ORD-12-00113, 9-26-12)

24.13 COMPLIANCE INSPECTION FEES.

- (1) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars (\$75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. (Am. by ORD-11-00057, 4-7-11)
- (2) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627. (Am. by ORD-11-00037, 3-8-11)

(Sec. 24.13 Cr. by ORD-10-00058, 6-11-10)

24.14 - 24.19 RESERVED FOR FUTURE USE.

24.20 PENALTY FOR VIOLATIONS OF THIS CHAPTER. Any person who shall violate any provision of this chapter for which no penalty is specifically provided shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each offense. (Am. by Ord. 13,670, Adopted 12-14-04)

