



Legislation Text

File #: 29613, Version: 1

Fiscal Note

No significant fiscal impact is anticipated.

Title

Amending Section 24.09(6) of the Madison General Ordinances to conform to state vehicle noise statutes.

Body

DRAFTER'S ANALYSIS: This ordinance is currently unenforceable, as it was not in conformity with State Statutes. This amended ordinance conforms to the language of Wis. Stat. §§ 349.19(16) and 349.135.

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

Subsection (6) entitled "Sound Producing or Amplification Devices" of Section 24.09 entitled "Light Motor Vehicle Noise Control" of the Madison General Ordinances is amended to read as follows:

"(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 ~~sec. 347.38(1), Wis. Stats.~~ 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 ~~plainly~~ 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 ~~sec. 196.01(5), Wis. Stats.~~ 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 ~~ten~~forty dollars (~~\$10~~40) nor more than ~~one hundred eighty~~ dollars (~~\$100~~80); for the second or subsequent violation within a year, be subject to a forfeiture of not less than ~~fifty~~one hundred dollars (~~\$50~~100) nor more than two hundred dollars (\$200); and for the third and subsequent violations, be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500)."