

CHAPTER 24
OFFENSES AGAINST PEACE AND QUIET

24.01 RESERVED FOR FUTURE USE. (R. by Ord. 4704, 9-17-74)

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 two hundred dollars (\$200).

(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.

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) No person shall 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) No person, firm or corporation occupying or having charge of any building or premises, or any part thereof, shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph 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)

(3) (a) No person, firm or corporation shall use or operate, or cause to be used or operated in or upon any 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., provided however that such restriction shall not apply to churches broadcasting or reproducing music by sound reproducing devices on Sundays or religious holidays, or to the production of sounds of any nature produced incidental to the operation of any governmental function or to the production of sounds of any nature produced incidental to the operation of any authorized emergency vehicle or to the use of sound producing equipment authorized pursuant to Wisconsin Statutes or to the use of sound producing equipment used incidental to any street use or parade permit. No person, firm or corporation shall make or cause to be made for the purpose of advertising or announcing his 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 device.

(b) 1. No person or group may use sound amplifying equipment on the State Street Mall at any time without the permission of the Mall Coordinator. Permission shall be granted for use of such equipment only during the hours of 12:30 p.m. to 1:30 p.m. and 5:00 p.m. to 7:00 p.m., and only when the equipment is more than fifty (50) feet from and the sound directed away from any adjacent building. No person or group may use sound amplifying equipment in the 100 through 600 blocks of State Street, or the Capitol Concourse or the Mall/Concourse peripheral zone as defined in Section 9.13(6) of these ordinances without the permission of the Mall Coordinator. Permission shall be granted for the use of such equipment only during the hours of 10:00 a.m. to 11:00 p.m. Street performances not utilizing sound amplification equipment are subject to the regulations of the Mall Coordinator pursuant to Section 9.13(6) of the Madison General Ordinances. Waiver of any of the provisions of this subsection as they apply to the use of sound amplifying equipment on the State Street Mall can be obtained only from the Mall Coordinator at least two (2) days prior to the proposed use. Further appeal of the decision of the Mall Coordinator shall be made first to the Parks Commission and then to the Common Council as time permits. Failure of the Parks Commission to act thereon within forty-five (45) days shall be deemed a denial of any such appeal. Waiver of the provisions of this subsection as they apply to the use of sound amplifying equipment in the C4 Commercial zoning district can be obtained only from the Parks Commission for amplifying music or other noncommercial messages during the Christmas holiday season or other special event under such conditions as the said Commission imposes. (Am. by Ord. 9883, 10-26-89)

2. Use of designated performance areas on the State Street Mall shall be subject to the regulations set forth in this section. The four (4) performance areas on the State Street Mall are designated as: a raised platform and pulpit on the 700 block of State Street; the plaza on North Frances Street north of State Street; the mini-park on the 400 block of State Street; and the circle in the plaza area on North Carroll Street between State Street and West Mifflin Street.

a. Organizations or individuals requiring the use of sound amplification systems on the State Street Mall/Capitol Concourse shall not use such amplification systems without first applying to the Mall Coordinator for a permit. Appeal from the decision of the Mall Coordinator shall be as set forth in Section 24.04(b)1.

b. Sound amplification in the performing areas shall be permitted only during the hours of: 12:30 p.m. - 1:30 p.m. and 5:00 p.m. - 7:00 p.m. on the 700 block of State Street.

12:30 p.m. - 1:30 p.m. and 5:00 p.m. - 7:00 p.m. on the North Frances Street Plaza

5:00 p.m. - 7:00 p.m. in the Mini-Park on the 400 block of State Street.

11:30 a.m. - 1:30 p.m. and 5:00 p.m. - 7:00 p.m. in the North Carroll Street Plaza circle area.

c. No permit for the use of the designated performance areas shall be granted earlier than three (3) weeks ahead of the date of performance. Organizations or individuals shall not be eligible for a permit for the use of designated performance areas for more than one (1) performance within any three (3) week period, except by special permission from the Mall Coordinator. No permit

shall be issued for the use of the designated performing areas unless the applicant demonstrates a good faith intent to use the areas for a performance.

d. Performances which are an integral part of special events in specific performing areas may apply to the Mall Coordinator for an extension of the time limits set forth in Paragraph 2.b. of this ordinance. The Mall Coordinator shall attempt to obtain the approval of the occupants of the adjacent buildings before granting such extensions.

e. During the University of Wisconsin final exam period, electronic sound amplification will be prohibited at all times on the 700 block of State Street.

(c) Violation of this section in connection with any license or permit shall be cause for the revocation thereof.

(Sec. 24.04(3) Am. by Ord. 7803, 8-13-82)

(4) No person, firm or corporation operating, having charge of, or occupying any building or premises shall 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) No person, firm or corporation shall 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. No person shall 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. A 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 Compacting Equipment by Refuse Collection Trucks. Refuse collection trucks may not operate their refuse compacting equipment within two hundred (200) feet of any residential zoned district between the hours of 10:00 p.m. and 6:00 a.m., except as follows:

(a) The Transportation Commission may designate certain arterial streets as exempt from this provision, if it determines that such exemption is necessary because of rush-hour traffic.

(b) The Director of 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.

(c) This ordinance shall be effective on and after September 1, 1995.

(Sec. 24.04(7) Cr. by Ord. 11,228, 4-13-95)

24.05 RESERVED FOR FUTURE USE. (R. by Ord. 4642, 8-2-74)

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 REGULATION.

(1) Sound levels under this section shall be measured with a Type 1 sound level meter manufactured according to standards prescribed by the American National Standards Institute in specification S1.4 (Revised 1971). Measurements shall be made using an "A" weighted network of the sound level meter. All noises shall be subject to the standards contained in subsection (2) provided that such noise shall be capable of being accurately measured with such equipment. Under this section, noises capable of being accurately measured with such equipment shall be deemed to be those noises which cause fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels.

(2) In the following zoning districts established under Chapter 28 of the Madison General Ordinances, the noise emitted from any source and measured at any point within any distance beyond fifty (50) feet of the property or public right-of-way where the noise is produced or beyond fifty (50) feet from the noise source when such exists on public property shall not exceed the amounts indicated in the following table:

SOUND PRESSURE LEVEL

<u>Zone</u>	<u>Time</u>	<u>Decibel (dBA) Level</u>
R1, R2, R3, R4, R4A, R4L, Agriculture Conservancy, Office Residence	7:00 p.m. to 7:00 a.m.	70 dBA
	7:00 a.m. to 7:00 p.m.	75 dBA
R5, R6	All times	75 dBA
Commercial, Manufacturing	All times	80 dBA
Except where such operations are adjacent to Residential District		75 dBA

(Am. by Ord. 4725, 9-17-74)

(3) This ordinance shall not in any way affect Sections 24.04, 24.05 or any other similar ordinance. The provisions of subsections 24.08(1) and (2) 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. of any day. Such hour limitations shall not apply to emergencies where immediate action is required.

(4) The provisions of subsections (1) and (2) shall not apply to any noise which is either necessary or required by law or is made for the protection or preservation of property or of the health, safety or protection of persons or to fireworks displays licensed under Sec. 34.13(4). (Am. by Ord. 11,244, 4-28-95)

(5) Any stationary or fixed noise producing device installed in the City of Madison after June 1, 1972, shall comply with this ordinance.

(6) Existing stationary or fixed noise producing devices in the City of Madison shall be modified to comply with this ordinance not later than January 1, 1973.

(7) Any movable noise producing device operated in the City of Madison after January 1, 1973 shall be modified to comply with this ordinance.

(8) 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

Max. Sound Level

Type Of Equipment	dBa at 50 feet
1. 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
2. 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
3. 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
4. Engine powered commercial equipment of 20 hp. or less intended for infrequent use in residential areas	88

(9) 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.

(10) 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.

(11) The Police Department shall have the responsibility of enforcing this section with referral to other appropriate City departments for further action as may be required.

(12) Any owner, operator, agent or manager 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 dollars (\$10) nor more than fifty dollars (\$50); for the second violation, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100); 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).

(13) It is the policy of the City of Madison to purchase only equipment which complies with SAE Standard J952b.

(14) The Director of the Inspection Unit of the Department of Planning and Development is directed to inform applicants for building and other permits of the provisions of this section, as well as the applicable requirements of the other applicable regulations. With reference to the sound meter to be used in the enforcement of this ordinance, it is recommended that it be the Bruel-Kjaer Precision Instruments, Model 2206, equipped with a condensor-microphone and related equipment or its equivalent. It is the intent of the Common Council that periodic revisions of this ordinance occur to reflect revisions of the respective SAE Standards and American National Standards Institute standards contained herein. (Am. by Ord. 8081, 7-29-83)

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,

(11) The Police Department shall have the responsibility of enforcing this section with referral to other appropriate City departments for further action as may be required.

(12) Any owner, operator, agent or manager 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 dollars (\$10) nor more than fifty dollars (\$50); for the second violation, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100); 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).

(13) It is the policy of the City of Madison to purchase only equipment which complies with SAE Standard J952b.

(14) The Director of the Inspection Unit of the Department of Planning and Development is directed to inform applicants for building and other permits of the provisions of this section, as well as the applicable requirements of the other applicable regulations. With reference to the sound meter to be used in the enforcement of this ordinance, it is recommended that it be the Bruel-Kjaer Precision Instruments, Model 2206, equipped with a condenser-microphone and related equipment or its equivalent. It is the intent of the Common Council that periodic revisions of this ordinance occur to reflect revisions of the respective SAE Standards and American National Standards Institute standards contained herein. (Am. by Ord. 8081, 7-29-83)

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. 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, or as a result of the operation of audio devices such as but not limited to radios, phonographs, and tape players.

(6) Signalling Devices. It shall be unlawful for any person to operate any horn or other audible signalling device on any motor vehicle except in an emergency or when required by law.

(7) 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.