

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(16)(b) and (c), 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; ORD-15-00116, 10-28-15)
- (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. 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.