

Resolution #14-R-21

Amend Municipal Code to include Definitions for “Intentional Motor Vehicle Operation” and “Intentional Motor Vehicle Modification” for Noise Generation

Date: September 1, 2021

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Referred To: Safety & Licensing Committee

WHEREAS, the City of Appleton’s Municipal Code identifies noise as a serious hazard to the public health, welfare, safety and quality of life and,

WHEREAS, the people have a right to an environment free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life and,

WHEREAS, Appleton Municipal Code, Sec. 12-80, states that no person shall make or cause to be made any loud, disturbing, fluctuating or unnecessary sounds or noises such as may tend to annoy or disturb a reasonable person, and Sec 12-81 (f), states that No person shall operate any motor vehicle unless such motor vehicle is equipped with an adequate muffler in constant operation and property maintained to prevent excessive or unusual noise, **however, does not** specify the intentional modification of vehicular exhaust systems specifically to emit excessive noise, in common vernacular “pop”, “bang” or “crackle”, nor does is specify certain methodologies of operator manipulation of gas flow to combustion engines to intentionally emit excessive noise, and,

WHEREAS, Section 12-76 of the Municipal Code does not have a definition of Intentional Vehicle Modifications to Emit Excessive Noise nor does not have a definition of Intentional Vehicle Operation to Emit Excessive Noise, and

WHEREAS, Health in All Policies dictates that public health and well-being drive all policy,

NOW THEREFORE, BE IT RESOLVED, that Appleton Code Article IV, Noise, Sec. 12-76 be amended to include the following definitions;

Intentional Vehicle Modifications to Emit Excessive Noise means any intentional after-market mechanical modifications to light motor vehicles which amplify the sound of escaping gases specifically designed to create excessive noise emissions under normal operation.

Intentional Vehicle Operation to Emit Excessive Noise means the operation of any intentional light motor vehicle operation in such a manner that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation with the express purpose of excessive combustion noise emissions.

and,

BE IT FURTHER RESOLVED that infractions of the Noise ordinance under these newly defined classifications of intent, specifically to disrupt the peace, be enforced consistent with the policies and penalties defined under Sec 12-76.