



Chief Todd Thomas
Appleton Police Department

222 South Walnut Street
Appleton, WI 54911

Date: September 2, 2021
From: Chief Todd Thomas
To: Safety and Licensing Committee Chairperson Alderperson Katie Van Zeeland
City Council Members
Re: Analysis of Resolution #14-R-21

I met with ACA Glad to discuss this resolution and provide any feedback, specifically from the perspective of the Police Department. There are several points of analysis from the Police Department that I will bullet point for the committee and council.

- The resolution contains two additions to the definitions in city ordinance 12-76, which are both already covered under **WI 347.39 (1) and (2)**: with the key terms being *modifications, amplify, and excessive noise*. Additionally, City Ordinance Sec. 12-81 already adopts the provisions of 347.39.
- The definitions in the proposed resolution are different than state law because the new language is specific to only “light motor vehicle” (vehicles under #8,000), while state laws apply to all motor vehicles.
- The final “be it resolved” states that infractions under the newly defined classifications be enforced consistent with policy and penalties defined under 12-76, which is the definitions section; our assumption is that the desire is for it to be enforced under **12-81 Prohibited Acts (f)**.

I have attached the resolution language, the applicable current WI Traffic Law, and the current ordinance that adopts the language in state law, in addition to already being adopted in our traffic code.

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



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Current Wisconsin Traffic Law adopted by city ordinance

SS.347.39 MUFFLERS

(1) No person shall operate on a highway any motor vehicle subject to registration unless such motor vehicle is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke. This subsection also applies to motor bicycles.

(2) No muffler or exhaust system on any vehicle mentioned in sub. (1) shall be equipped with a cutout, bypass or similar device nor shall there be installed in the exhaust system of any such vehicle any device to ignite exhaust gases so as to produce flame within or without the exhaust system. No person shall modify the exhaust system of any such motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

(3) In this section, "muffler" means a device consisting of a series of chambers of baffle plates or other mechanical design for receiving exhaust gases from an internal combustion engine and which is effective in reducing noise.

Current City Ordinance on Prohibited Acts - Muffler

COA Municipal Code Sec. 12-81 Prohibited Acts (f) 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. The provisions of *W.S.A. §347.39 are hereby adopted by reference and made a part of this section.*

Please let me know if you have further questions,

Chief Todd Thomas