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WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Representative Lee Snodgrass

FROM: Eric Mueller, assistant chief counsel
Madeline Kasper, managing analyst

DATE: December 8, 2025

SUBJECT: City citations for excessive noise from motor vehicle mufflers

You asked whether state law prevents cities from issuing citations for excessive noise from motor vehicle mufflers, and what statutory changes would be required to allow cities to issue such citations.

Wisconsin cities operate under "home rule" authority, which grants them broad powers to regulate local affairs as long as their ordinances and actions do not conflict with state law.[1] This constitutional authority allows cities to regulate in most areas unless explicitly barred by the state. There is nothing under state law that prohibits or preempts cities from adopting general noise-nuisance ordinances. As such, most Wisconsin cities have such ordinances and enforce them through citations.

With regard to traffic ordinances, the statutes do provide specific limitations on cities. Generally, no governing body of a Wisconsin county or municipality may enact a traffic ordinance unless the ordinance strictly conforms to state traffic law or is expressly authorized by statute.[2] Wis. Stat. § 347.39 requires motor vehicles to be "equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke." This section further prohibits modifications to a muffler or exhaust system that include a cutout, bypass, or similar device or to amplify the noise emitted by the vehicle. Since there is no statutory provision expressly authorizing cities to regulate muffler equipment beyond these state requirements, cities may only adopt and enforce muffler equipment ordinances in conformity with Wis. Stat. § 347.39.

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[1] See Wis. Const. art. XI, § 3 (1) and Wis. Stat. § 62.11 (5). For more information on home rule, see this brief written by the Wisconsin Legislative Council.

[2] Together, Wis. Stat. §§ 349.03 and 349.06 create uniform traffic laws in Wisconsin. Under Wis. Stat. § 349.03, no local authority may enact or enforce any traffic regulations unless those regulations are consistent with Wis. Stat. chs. 341 through 350. Likewise, Wis. Stat. § 349.06 permits local authority to adopt traffic regulations in strict conformity with state law.

In short, a city may adopt and enforce a general noise ordinance that in some cases may apply to noise produced by a motor vehicle muffler. However, cities may not adopt or enforce a traffic ordinance that regulates mufflers or exhaust systems in a way that exceeds or conflicts with Wis. Stat. § 347.39. The Wisconsin Supreme Court addressed a similar interaction of local ordinances and state traffic laws related to squealing tires in *Janesville v. Garthwaite*.[3]

In order to allow cities to adopt and enforce a traffic ordinance specifically regulating muffler noise, a statute could be created expressly authorizing them to do so. As a related example, Wis. Stat. § 66.0411 expressly permits cities and other municipalities to adopt and enforce ordinances prohibiting excessive noise from sound-producing devices on vehicles (such as radios) in certain circumstances, including authority to impound such devices in certain circumstances.

Please let us know if you have any additional questions.

[3] 83 Wis. 2d 866, 266 N.W.2d 418 (1978).