From: Jake Woodford
To: Charles E. Sepers; Polly Olson; Chris Behrens; Amanda K. Abshire; Darrin M. Glad; Zak N. Buruin
Subject: Fw: Vehicle Noise Questions
Date: Tuesday, August 25, 2026 4:15:19 PM

FYI. I intend to reference the message below in tomorrow's meeting should the statutory issue come up.

Jake

From: Jake Woodford <Jake.Woodford@AppletonWI.gov>
Sent: Tuesday, 25 August 2026 16:13:32
To: Wood, Keara <Keara.Wood@legis.wisconsin.gov>
Cc: Dassler-Alfheim, Kristin <Kristin.Dassler-Alfheim@legis.wisconsin.gov>
Subject: Re: Vehicle Noise Questions

Thank you for your assistance - we appreciate the clarification.

Jake

From: Wood, Keara <Keara.Wood@legis.wisconsin.gov>
Sent: Tuesday, 25 August 2026 15:54:25
To: Jake Woodford <Jake.Woodford@AppletonWI.gov>
Cc: Dassler-Alfheim, Kristin <Kristin.Dassler-Alfheim@legis.wisconsin.gov>
Subject: FW: Vehicle Noise Questions

Warning: Unusual sender <keara.wood@legis.wisconsin.gov>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Good afternoon,
Below is the response we received from LRB regarding the question of local regulation of noise. Of note is that the memo provided by the City of Appleton Attorney's Office is just one possible interpretation of the current legal situation, but other interpretations are possible. When I spoke on the phone with Mueller, he noted that it makes sense for a municipality to approach the issue with caution to avoid the possibility of future lawsuits, as there is no case law currently in place.

Please don't hesitate to reach out if you have any additional questions.

Best,

Keara Wood

Communications Director
Office of Senator Kristin Dassler-Alfheim
Senate District 18
(608) 266-7513

From: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
Sent: Tuesday, August 25, 2026 2:42 PM
To: Wood, Keara <Keara.Wood@legis.wisconsin.gov>
Subject: RE: Vehicle Noise Questions

Keara,

The memo from the city of Appleton is largely in accordance with the memo I provided. It goes a little further in analyzing a specific type of potential noise violation, i.e. where a vehicle that is properly equipped with a functioning muffler that is nonetheless in violation of a city noise ordinance. I believe that the city's proposed approach to the issue is an entirely reasonable interpretation of a set of statutes that interact, but do not directly address one other. As explained in the memos, city ordinances may not regulate certain motor vehicle related matters inconsistently with the Wisconsin statutes. Among the statutes is one addressing the functioning of a car's muffler. That statute does not impose any specific volume level, but rather requires an "adequate" and "properly maintained" muffler. It is a reasonable reading, perhaps the most reasonable reading of this statute, to consider a muffler that meets mandatory federal motor vehicle equipment standards as adequate and, if undamaged and unmodified, "properly maintained." As such, a noise ordinance by the city, even one that is generally applicable, is reasonably read to be prohibited by state statute from imposing a higher decibel standard than imposed by the federal standards.

As a caution, while this interpretation is, I believe, the best one, a municipality could plausibly read the statutes to permit issuance of a noise ordinance violation in the case described. The terms of the muffler regulation statute are sufficiently nonspecific that a plausible argument could be made that a muffler that exceeds local decibel standards is "inadequate" under the meaning of the statutes even if in compliance with federal equipment standards. Also, there are no reported Wisconsin cases authoritatively discussing the meaning of the statutory muffler standard. However, while such a reading is plausible based on the statutory text, it is an unlikely one for a court to adopt. Not only is "adequate" naturally harmonized with federal law by reference to federal equipment standards, the potential for jurisdiction to jurisdiction differences in legality of normally equipped motor vehicles is avoided, corresponding with the intent of the requirement that local jurisdictions conform to state motor vehicle law.

Let me know if you have any questions,

Eric Mueller
Assistant Chief Counsel
Legislative Reference Bureau
Phone: (608) 504-5825
eric.mueller@legis.wisconsin.gov