

**Wisconsin  
Noise Related Statutes and Administrative Code**

**STATUTES**

**23.33 All Terrain Vehicles**

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(e) Every all-terrain vehicle is required to be equipped with a functioning muffler to prevent excessive or unusual **noise** and with a functioning spark arrester of a type approved by the U.S. forest service.

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(6m) Noise limits. No person may manufacture, sell, rent or operate an all-terrain vehicle that is constructed in such a manner that **noise** emitted from the all-terrain vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the department.

**30.62 Other equipment.**

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(2) Muffler requirement and **noise** level standards.

(a)Mufflers. The engine of every motorboat propelled by an internal combustion engine and used on the waters of this state shall be equipped and maintained with a muffler, underwater exhaust system or other noise suppression device.

(b)Maximum **noise** levels for operation. No person may operate a motorboat powered by an engine on the waters of this state in such a manner as to exceed a noise level of 86 measured on an "A" weighted decibel scale.

(c)Maximum noise levels for sale. No person may sell, resell or offer for sale any motorboat for use on the waters of the state if the motorboat has been so modified that it cannot be operated in such a manner that it will comply with the noise level requirements under par. (b).

(d)Maximum noise level for manufacture.

1. No person may manufacture and offer for sale any motorboat for use on the waters of this state if the motorboat cannot be operated in such a manner so as to comply with the **noise** level requirements under par. (b).

2. The department may promulgate rules establishing testing procedures to determine noise levels for the enforcement of this section.

3. The department may revise these rules as necessary to adjust to advances in technology.

(e) Tampering. No person may remove or alter any part of a marine engine, its propulsion unit or its enclosure or modify the mounting of a marine engine on a boat in such a manner as to exceed the noise levels prescribed under par. (b).

(f) Local ordinances. No political subdivision of this state may establish, continue in effect or enforce any ordinance that prescribes noise levels for motorboats or which imposes any requirement for the sale or use of marine engines at prescribed noise levels unless the ordinance is identical to the provisions of this subsection or rules promulgated by the department under this subsection.

(g)Exemption for specific uses. This subsection does not apply to any of the following:

1. A motorboat while competing in a race conducted under a permit from a town, village or city or from an authorized agency of the federal government.
2. A motorboat designed and intended solely for racing, while the boat is operated incidentally to the testing or tuning up of the motorboat and engine for the race in an area designated by and operated under a permit specified under subd. 1.
3. A motorboat on an official trial for a speed record if conducted under a permit from a town, village or city.
4. The operation of a commercial or nonrecreational fishing boat, ferry or other vessel engaged in interstate or international commerce, other than a tugboat.

(h) Exemption by rule. The department may promulgate by rule exemptions from compliance with this subsection for certain activities for certain types of motorboats for specific uses and for specific areas of operation.

#### **42.05 Auto races.**

(1) Except during the annual state fair and at other times between 8 a.m. and 10 p.m., every motor vehicle, as defined in s. 287.15 (1) (e), that is used at state fair park in racing competition or practice shall be equipped with a **muffler** which, at all times, shall be in good working condition sufficient to prevent excessive or unusual noise.

#### **66.0411 Sound-producing devices; impoundment; seizure and forfeiture.**

(1) In this section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.

(a) Any city, village, town or county may, by ordinance, authorize a law enforcement officer, at the time of issuing a citation for a violation of s. 346.94 (16) or a local ordinance in strict conformity with s. 346.94 (16) or any other local ordinance prohibiting excessive **noise**, to impound any radio, electric sound amplification device or other **sound**-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has 2 or more prior convictions within a 3-year period of s. 346.94 (16) or a local ordinance in strict conformity with s. 346.94 (16) or any other local ordinance prohibiting excessive noise. The ordinance may provide for impoundment of a vehicle for not more than 5 working days to permit the city, village, town or county or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.

(b) The ordinance under par. (a) may provide for recovery by the city, village, town or county of the cost of impounding the **sound**-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. The ordinance under par. (a) shall provide that, upon disposition of the forfeiture action for the violation of s. 346.94 (16) or a local ordinance in strict conformity with s. 346.94 (16) or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.

(2)

(a) Notwithstanding sub. (1m), any city, village, town or county may, by ordinance, authorize a law enforcement officer, at the time of issuing a citation for a violation of s. 346.94 (16) or a local ordinance in strict conformity with s. 346.94 (16) or any other local ordinance prohibiting excessive **noise**, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other **sound**-producing device and has 3 or more prior convictions within a 3-year period of s. 346.94 (16) or a local ordinance in strict conformity with s. 346.94 (16) or any other local ordinance prohibiting excessive noise.

### **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.

### **350.095 Noise level requirements.**

(1) Noise level standards; total vehicle noise.

(a) Every snowmobile that is manufactured on or after July 2, 1975, and that is offered for sale or sold in this state as a new snowmobile shall be manufactured so as to limit total vehicle **noise** to not more than 78 decibels of A sound pressure, as measured by Society of Automotive Engineers standards.

(b) No snowmobile may be modified by any person in any manner that shall amplify or otherwise increase total vehicle **noise** above that emitted by the snowmobile as originally manufactured, regardless of date of manufacture.

(2) Noise level standards; exhaust and engine noise.

(a) No snowmobile may be manufactured, sold, offered for sale, or operated unless it is equipped with a muffler in good working order.

(b) For snowmobiles manufactured after July 1, 1972, a muffler that is in good working order is one that blends the exhaust **noise** into the overall engine noise and is in constant operation to prevent exhaust and engine **noise** that exceeds the applicable noise level standards established under pars. (c) and (d).

(c) For every snowmobile manufactured after July 1, 1972, and before July 2, 1975, the **noise** level standard for exhaust and engine **noise** shall be 90 decibels as measured in accordance with the procedures established for the measurement of exhaust sound levels of

stationary snowmobiles in the January 2004 Society of Automotive Engineers Standard J2567.

(d)

1. Except as provided in subd. 2., for every snowmobile manufactured on or after July 2, 1975, the noise level standard for exhaust and engine noise shall be 88 decibels as measured in accordance with the procedures established for the measurement of exhaust sound levels of stationary snowmobiles in the January 2004 Society of Automotive Engineers Standard J2567.
2. After consulting with the snowmobile recreational council, the department may promulgate a rule that establishes a noise level standard for exhaust and engine noise that is other than 88 decibels.

**350.10 Miscellaneous provisions for snowmobile operation.**

(1) No person shall operate a snowmobile in the following manner:

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(d) In such a way that the exhaust and engine **noise** exceeds the applicable **noise** level standard specified in s. 350.095 (2) (c) or (d).

**895.527 Sport shooting range activities; limitations on liability and restrictions on operation.**

(1) In this section, "sport shooting range" means an area designed and operated for the use and discharge of firearms.

(2) A person who owns or operates a sport shooting range is immune from civil liability related to noise resulting from the operation of the sport shooting range.

(3) A person who owns or operates a sport shooting range is not subject to an action for nuisance or to zoning conditions related to noise and no court may enjoin or restrain the operation or use of a sport shooting range on the basis of noise.

(4) Any sport shooting range that exists on June 18, 2010, may continue to operate as a sport shooting range at that location notwithstanding any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the sport shooting range is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7) that is in effect on June 18, 2010. The operation of the sport shooting range continues to be a lawful use or legal nonconforming use notwithstanding any expansion of, or enhancement or improvement to, the sport shooting range.

(5) Any sport shooting range that exists on June 18, 1998, may continue to operate as a sport shooting range at that location notwithstanding all of the following:

(a) Section 167.30, 941.20 (1) (d) or 948.605 or any rule promulgated under those sections regulating or prohibiting the discharge of firearms.

(b) Section 66.0409 (3) (b) or any ordinance or resolution.

(c) Any zoning ordinance that is enacted, or resolution that is adopted, under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7) that is related to noise.

(6) A city, village town or county may regulate the hours between 11:00 p.m. and 6:00 a.m. that an outdoor sport shooting range may operate, except that such a regulation may not apply to a law enforcement officer as defined in s. 165.85 (2) (c), a member of the U.S. armed forces or a

private security person as defined in s. 440.26 (1m) (h) who meets all of the requirements under s. 167.31 (4) (a) 4.

(7) A person who is shooting in the customary or a generally acceptable manner at a sport shooting range between the hours of 6:00 a.m. and 11:00 p.m. is presumed to not be engaging in disorderly conduct merely because of the noise caused by the shooting.

## ADMINISTRATIVE CODE

### CHAPTER Trans 305

#### **Trans 305.25 Horn.**

(1) The **horn** of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.38, Stats.

(2) The horn wiring and connections shall be maintained in good condition.

#### **Trans 305.39 Exhaust system.**

(1) Every motorcycle shall be equipped with a functioning exhaust system that is maintained in proper working condition so as to reduce engine **noise**.

The exhaust system shall be maintained in conformity with this section and s. 347.39, Stats.

(2) Every exhaust system shall be maintained free of leaks from the engine exhaust ports through the piping and muffler to the end of the exhaust system. A protective shield or insulated section shall be provided for any portion of the exhaust system that extends above and to the rear of the foot pegs or rests.

### CHAPTER Trans 405

#### **Trans 405.04 Siting criteria and policies.**

(1) Noise barriers shall be designed to provide protection only to the ground floor of abutting buildings and not other parts of the buildings.

(2) For the department to consider a site for construction of a noise barrier, the site shall meet the following criteria:

(a) For retrofit projects, a receptor shall be exposed to existing noise levels which equal or exceed the levels in Table 1.

(b) For new highway projects, a receptor shall have predicted future noise levels which equal or exceed the levels in Table 1 or which exceed existing noise levels by 15 decibels or more.

(c) A noise barrier protecting a receptor shall reduce noise levels by a minimum of 8 decibels.

(d) The total cost of a noise barrier may not exceed \$30,000 in 1988 dollars per abutting residence. The department may annually adjust this \$30,000 maximum figure up or down based on changes in the construction price index after 1988. Other land use categories shall be analyzed on a site specific basis to determine cost effectiveness

"Leq" means the equivalent steady-state sound level, which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same period. For purposes of measuring or predicting noise levels, a receptor is assumed to be at ear height, located five feet above ground surface.

"Leq(h)" means the hourly value of Leq. Use of interior noise levels shall be limited to situations where exterior noise levels are not applicable.

Use of interior noise levels shall be limited to situations where exterior noise levels are not applicable

TABLE 1  
NOISE LEVEL CRITERIA  
FOR CONSIDERING BARRIERS

<u>Land Use Category</u>	<u>Leq(h)<sup>1</sup> (dBA)</u>	<u>Description of Land Use Category</u>
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above.
D	—	Undeveloped lands.
E <sup>2</sup>	52 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.