

GENERAL ORDINANCE NO. 38-09

AN ORDINANCE
AMENDING SECTION 29.308,
GREEN BAY MUNICIPAL CODE,
RELATING TO MUFFLERS, PREVENTION OF NOISE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.308, Green Bay Municipal Code, is hereby amended by as follows:

29.308 MUFFLERS, PREVENTION OF NOISE.

(1) **DECLARATION OF FINDINGS AND POLICY.** Excessive noise from motor vehicles is a serious hazard to the public health and welfare, safety, and quality of life. The people have a right to and should be ensured of an environment free from excessive noise that may jeopardize their health or welfare or safety or degrade the quality of life. Therefore, it is the policy of the City of Green Bay to prevent excessive noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(2) Any person or owner is prohibited from creating or allowing any unreasonably loud, disturbing, and unnecessary noise. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited. The use of any automobile, motorcycle, streetcar or vehicle so out of repair or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise is prohibited.

(3) Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive or unreasonably loud noise, smoke or flame; and no person or owner shall operate or allow to be operated a motor vehicle upon the streets and highways of this city which is not so equipped or which is equipped with a muffler cutout, bypass, or any similar device. A muffler is defined as a device consisting of a series of chambers or other mechanical devices for the purpose of receiving exhaust gases from an internal combustion engine which is designed for the purpose of breaking up the sound tones and the diffusion of smoke and flame emitting therefrom.

(4) No person shall, nor shall the owner allow any person to, operate a motorcycle manufactured after December 31, 1982, that is not equipped with an exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle's model year, as set out in the Code of Federal Regulations Title 40.

(5) No person shall sell, give away for use upon, install or cause the installation to be made, or use upon any licensed motor vehicle operated on a highway in the City of Green Bay, any type of muffler or other device that will modify the exhaust system of a motor vehicle in any manner so as to amplify or increase the noise emitted by the motor of such motor vehicle to the point where it becomes excessive or unreasonably loud.

~~(5)~~ (6) ENFORCEMENT AND PENALTIES.

(a) An enforcement officer may issue a citation for any violation of this section if the enforcement officer witnesses the violation or receives a sworn, written complaint from at least one witness of the excessive or unreasonably loud noise, ~~subject to the owner refusing or neglecting to allow the vehicle from being inspected by the Police Department.~~

(b) Any person who violates any provision of this section shall forfeit not more than \$500.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 3rd day of November, 2009.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Chad J. Weininger
Clerk

bc

First Reading: 10/20/09

Effective Date: 11/7/09