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27.102 PARTIES TO A VIOLATION. Whoever is concerned in the commission of a violation of this chapter is a principal and may be charged with and convicted of the violation although the person did not directly commit it and although the person who directly committed it has not been convicted of the violation. A person is concerned in the commission of the violation if the person directly commits the violation, intentionally aids or abets the commission of it, is a party to a conspiracy with another to commit it, or advises, hires, counsels, or otherwise procures another to commit it.

27.103 ATTEMPT. Whoever attempts to commit a violation of this chapter may be charged with and convicted of the violation. An attempt to commit a violation of this chapter requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such violation and that the actor does acts toward the commission of the violation which demonstrate unequivocally, under all the circumstances, that the actor formed that intent and would commit the violation except for the intervention of another person or some extraneous factor.

SUBCHAPTER II NOISE

27.201 (Rep. GO 21-12)

27.202 LOUDSPEAKERS.

(1) USE ON STREETS. No person shall use any loudspeaker on the streets of the City except under permit granted by the Police Chief.

(2) PERMITS. The Police Chief shall not grant a permit to use a loud speaker before 9:00 A.M. or after 9:00 P.M. or to operate such loud speaker in the vicinity of hospitals, churches while services are being conducted, or schools which are in session. The Police Chief may order a reduction in the volume of such loud speaker on complaint being made by a citizen or when such loud speaker is a nuisance because of the volume, the method in which it is being used, or the location in which it is being operated.

27.203 REGULATION OF NOISE. (Cr. GO 21-12)

(1) DEFINITIONS. In this section:

(a) "Committee" means the Protection & Welfare Committee.

(b) "Daytime hours" means the hours between 7:00 A.M. and 10:00 P.M.

(c) "Produce" means, when referring to producing noise, to physically activate the source that creates the noise, to order or authorize another person to activate the source that creates the noise, or to have control over a source of noise and permit the noise to exist.

(d) "Nighttime hours" means the hours between 10:00 P.M. and 7:00 A.M.

(2) UNREASONABLY LOUD NOISE. No person shall produce unreasonably loud noise. A court shall consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

(a) Decibels. A court may determine any noise is unreasonable solely because it exceeds 80 dB(A) using an A-weighted sound pressure level instrument when measured from any property not under control of the person producing the noise.

(b) Time of day. Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.

(c) Land use. Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial or industrial areas.

(d) Duration of noise. Certain loud noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long time.

(3) SPECIFIC NOISE VIOLATIONS.

(a) Locomotives. No person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive except in case of imminent danger to life and property.

(b) Boats. No person in charge of any vessel or craft shall operate or blow the whistle of such vessel or craft while moored.

(4) PRESUMPTIONS. The typical noise produced by the following activities is presumed to be reasonable:

(a) Required Noise. Any noise-producing activity required by law.

(b) Construction Work. Work performed at construction sites, at public works projects, and by public utilities during daytime hours Monday through Saturday.

(c) Waste Collection. The collection of solid waste during nighttime hours Monday through Friday.

(d) Safety Response. Emergency vehicles responding to an emergency.

(e) Power Equipment. The use of lawn mowers, snow removal equipment, lawn and garden tools, and riding tractors during daytime hours for yard, pavement or land maintenance.

(f) Air Conditioning. The use of residential air conditioners.

(g) Airplanes. Aircraft operations controlled specifically by federal law.

(h) Time Signals. The use of bells, chimes, and similar devices that signal the time of day during daytime hours.

(i) Warning Devices. The use of a device that requests assistance or warns against an unsafe condition.

(5) SPECIAL PERMIT.

(a) Application. Any person wishing to produce or allow noise notwithstanding this section may file a request with the Police Department at least 30 days prior to the event or activity that will produce the noise.

(b) Police Approval. If the Chief of Police, or his or her designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.

(c) Appeal. The applicant may appeal a Police Department decision to the Committee within 15 days after receiving the decision by filing an appeal notice with the City Clerk. The Committee shall hear the applicant's appeal and affirm, reverse or modify the Police Department decision. If the Committee determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Committee may recommend issuance of a special permit allowing such noise and place conditions upon its use. The Council shall affirm, reverse or modify the Committee decision.

(d) Revocation. The Police Department may immediately revoke a permit issued under this subsection if the permittee violates any conditions placed upon the permit.

(6) PENALTIES. Any person violating sub. (2) or (3) may be required to forfeit not more than \$200.