

SUBCHAPTER 2
NOISE CONTROL

80-60. Definitions. The following definitions shall apply in the interpretation and enforcement of this subchapter:

1. **AMBIENT NOISE** shall mean all the encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

2. **AMPLITUDE** shall mean the absolute value of the maximum displacement from zero value during one period of oscillation.

3. **CHIEF OF POLICE** means the legally designated chief of police or an authorized representative designated by the chief of police.

4. **DAY** shall mean the hours between 7 a.m. and 9 p.m.

5. **Db** shall mean a standard unit of acoustic pressure measurement having a zero reference of 0.0002 microbar.

6. **DISPLACEMENT** shall mean a simple harmonic motion in any plane.

7. **IMPULSIVE NOISE** shall mean a noise of short duration.

8. **NIGHT** shall mean the hours between 9 p.m. and 7 a.m.

9. **NOISE** shall mean unwanted or annoying sound.

10. **NOISE RATING NUMBER** shall mean the criteria established in the noise rating curves of the International Standards Organization as published in ISO/TC 43, Secretariat - 139, August 1961, Table I; noise rating numbers copy attached to common council file number 72-1446.

11. **NUISANCE** means the making, creating, or causing to be made or continued of any boisterous or unreasonably loud noise which causes, constitutes or tends to provoke a disturbance and which is detrimental to the public health, safety, welfare or peace, or noise which exceeds the limitations set forth in s. 80-64 or 80-65.

12. **PERSON** means an owner as that term is defined in s. 200-08-66, an operator as that term is defined in s. 200-08-64 and occupant as that term is defined in s. 200-08-61. For purposes of enforcing the provisions of s. 80-63, "person" shall also mean the owner

or operator, as defined in s. 340.01(41), Wis. Stats., of a vehicle or other machinery on the public highways.

13. **PREMISES** means one or more lots or portions of lots, including any structures, which are contiguous and under common ownership or control.

14. **PURE TONE** shall mean a sound having a single pitch.

15. **VEHICLE** shall mean any passenger vehicle, truck, truck trailer, trailer, semitrailer or similar device intended to convey people and/or commodities, which is propelled or drawn by mechanical power, but shall not include airplanes and toys.

80-61. Enforcement. It shall be the duty of the commissioner to enforce ss. 80-60 to 80-73, except that s. 80-65-4 may be jointly enforced by the commissioner and the chief of police, and s. 80-69 shall be enforced by the chief of police.

80-62. Excessive Noise and Vibration

Declared a Nuisance. Excessive noise and vibration, as defined in this subchapter, is deemed and is declared to be a public nuisance and may be subject to summary abatement procedures as described in s. 17-12 of the city charter. Such abatement may be in addition to administrative proceedings, fines and penalties as provided in this subchapter. It shall be the duty of the commissioner, upon complaint of a nuisance, to determine if excessive noise and vibration exist as defined in this subchapter and to take the appropriate action as specified therein. Conditions of excessive noise and/or vibrations which are specifically exempted or for which a variance permit has been issued in conformity with provisions of this subchapter shall be exempt from the application of this subchapter.

80-63. Excessive Noise Prohibited.

1. No person shall produce, assist in producing or cause to be produced noise which exceeds the limitations set forth in s. 80-64 or 80-65. It shall be unlawful for any person occupying or having charge or control of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical

80-63-2 Nuisances

or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity. It shall be unlawful for any person having charge or control of any vehicle or machinery, or owning a vehicle or machinery, to cause, suffer or allow any loud, excessive or unusual noise in the operation of any radio, stereo or other mechanical or electrical device, instrument or machine upon the highways, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.

2. It shall be unlawful for any person to make, create or cause to be made or continue noise which constitutes a nuisance.

3. a. An owner, operator or owner's registered agent of a premises shall be liable for all of the costs of administration and enforcement of this subsection whenever all of the following occur:

a-1. A person on the premises has been charged with violating the noise limitations set forth in s. 80-64 or 80-65.

a-2. The department has sent by first class mail a written notice of the violation described in subd. 1, addressed to the last known address of the owner, operator or owner's registered agent.

a-3. A person on the premises is found to have been charged with violating the noise limitations set forth in s. 80-64 or 80-65 and that violation occurred not less than 8 business days after mailing of notice under subd. 2. The violation shall be at the same address and in the same unit and involve the same occupancy, but need not involve the same person for whom notice of violation was sent under subd. 2.

b. The chief of police shall provide a complaint, record of each charged violation of s. 80-64 or 80-65 and the costs of enforcement to the commissioner. Upon the issuance of a citation, the commissioner may provide written notice under par. a-2 to the owner, operator or owner's registered agent of the premises in which the charged violation occurred.

c. In the event of the occurrence of all the provisions set forth in par. a., the costs of

the enforcement of the second and all subsequent charged violations referred to in par. a-3, including administrative costs, may be charged in full or in part against the real estate on which the noise which constituted the nuisance occurred. If those costs are so charged, they are a lien upon such real estate and may be assessed and collected as a special charge. The city shall establish a reasonable charge for the costs of administration and enforcement of this subsection.

d. Appeal of the determination of the commissioner imposing such special charges against the property may be submitted to the administrative review appeals board as provided by s. 320-11.

4. a. A person who owns or operates a vehicle or machinery upon the highways shall be liable for all of the costs of administration and enforcement of this subsection whenever all of the following occur:

a-1. A person operating or occupying the vehicle or machinery has been charged with violating the noise limitations set forth in s. 80-64 or 80-65.

a-2. The police department has sent by first class mail a written notice of the violation described in subd. 1, addressed to the last known address of the owner or operator. Written notice shall state that the operator or owner may be subject to the costs of investigation, administration and enforcement associated with subsequent charges of noise violations involving the same vehicle or machinery.

a-3. A person operating or occupying the vehicle or machinery is found to have been charged with violating the noise limitations set forth in s. 80-64 or 80-65 upon a credible and that violation occurred not less than 8 business days after mailing of notice under subd. 2. The violation shall involve the same vehicle or machinery, but need not involve the same operator or occupant for whom notice of violation was sent under subd. 2.

b. The chief of police shall provide a record of each charged violation of s. 80-64 or 80-65 and the costs of investigation, administration and enforcement to the city attorney.

c. In the event of the occurrence of all the provisions set forth in par. a., the costs of the investigation, administration and enforcement of the second and all subsequent charged violations referred to in par. a-3, may be charged to the owner or operator and in whole or in part and collected as a city receivable. The city shall establish a reasonable charge for the costs of administration and enforcement of this subsection.

d. Appeal of the determination of the chief of police imposing costs against the owner or operator may be submitted to the administrative review appeals board as provided by s. 320-11.

80-64. Criteria to Determine Excessive Noise.

1. NOISE LIMITATIONS. The following noise limitations are established for any premises in the following zoning districts, as measured at the lot line:

DISTRICT	NOISE RATING NUMBER	
	DAY	NIGHT
Residential Districts	55	45
Neighborhood Shopping	55	45
Other Commercial Districts	60	50
Downtown Districts	60	60
Industrial Districts	65	55
Parks	55	45
Institutional	55	45
Planned Development adjacent to an IH or IM district	65	55
Other Planned Development	55	45

2. PURE TONE AND IMPULSIVE NOISES ARE FACTORS. Five noise rating numbers shall be subtracted from the table in sub. 1 if the subject noise consists primarily of a pure tone or if it is impulsive in character.

3. AMBIENT NOISE IS A FACTOR. The subject noise must exceed the ambient noise by five Db or more, in any octave band, to be declared excessive.

80-65. Method of Measuring Noise.

1. EQUIPMENT. Noise measurements shall be made with a sound level meter and compatible octave band analyzer manufactured

according to the specifications of the American National Standards Institute, USA Standard Specification for General Purpose Sound Level Meters (S1.4-1971) and Preferred Center Frequencies for Acoustical Measurements (S1.6-1960) or any other subsequent nationally adopted standard superseding the above standards.

2. LOCATION AND INTERPRETATION. Noise measurements shall be made at the nearest lot line of premises from which noise complaints are received and shall be made at a height of at least 3 feet above the ground and at least 3 feet away from walls, barriers, obstructions or sound reflective surfaces. Where the nature of the noise permits, the slow response setting shall be used to obtain the noise level on the sound level meter. The sound analysis curve shall be plotted in dB upon the noise rating numbers chart (chart 1), and the highest portion of the curve in any octave band above a noise rating curve shall be the noise rating number for the measurement. The average curve of several noise measurements may be used to plot the sound analysis curve.

3. ALTERNATIVE METHOD. When detailed sound analysis measurements cannot be made, a measurement of the noise using the A scale of a standard sound level meter may be made and the noise rating number shall be determined by this measurement minus 8 dB.

4. NOISE NUISANCES (AMPLIFIERS, AIR CONDITIONERS, OTHER INTERMITTENT, RANDOM AND DISRUPTIVE NOISE, etc.).

a. Purpose. Certain noises are impractical to measure to determine compliance with the community noise standards as described in s. 80-64 and this section. These noises may occur randomly or at unpredictable times or be of short duration. Whenever such noises occur and constitute a nuisance as defined in s. 80-60-11, alternate methods of processing and relief shall be applied as follows:

a-1. The chief of police or commissioner may commence prosecution for a noise nuisance violation upon the observation by a police officer or department inspector of noise or upon direct evidence of activities constituting a noise nuisance as defined in s. 80-60-11 or prohibited noise violation as set forth in s. 80-63-1.

80-66 Nuisances

a-2. Complaint by member of the public. As an alternative to commencement of prosecution based upon the direct observation of a police officer or department inspector, the chief of police or commissioner may commence prosecution upon receipt of a complaint submitted by a member of the public that complies with the requirements of subd. 3 and which alleges conduct that is boisterous and unreasonably loud as described in par. b.

a-3. Information contained in a complaint. A complaint by a member of the public, sufficient to authorize the commencement of a noise nuisance prosecution in the absence of direct observation of the noise by a police officer or department inspector shall include relevant information relating to the date, time and place of the alleged noise nuisance, the nature of the noise nuisance, and shall identify the person or persons responsible for or allowing the human or mechanically created noise, or alternatively, shall include information leading to the identification of the person or persons by police or a department inspector. Information included in the complaint shall also identify one or more persons who witnessed or were affected by the noise, at least one of whom is an adult available to testify in court.

a-4. Testimony required. No person shall be convicted under this procedure except upon testimony of at least one affected adult person.

b. Boisterous and Unreasonably Loud Noise. The following are examples, without limitation due to enumeration, of human and mechanically-created noises which are impractical to measure and which may be deemed nuisances in violation of this subsection.

b-1. Air compressors, etc. The operation, while parked upon the public streets, alleys or thoroughfares in the city for more than 5 minutes in any one location, of any compressor, air conditioner or other noise-making device which is attached to any truck or other vehicle when the noise of such equipment is of such intensity to cause a nuisance, as defined herein, to occupants of nearby residential dwellings.

b-2. Sound-producing devices. The operation of any radio, television, musical instrument, compact disc or tape player, phonograph or other machine or device for producing or reproducing sound in such manner as to disturb the peace, quiet and comfort of the neighboring occupants, or at any time with louder volume than is necessary for convenient hearing for voluntary listeners without hearing impairment who are in the room, vehicle or area in which the machine or device is operated.

b-3. Distance of greater than 50 feet. The operation of any radio, television, musical instrument, compact disc or tape player, phonograph or other machine or device in a manner that tends to disturb the peace, quiet and comfort of the neighboring occupants at a distance of greater than 50 feet from the site, building, structure or vehicle where the machine or device is located.

b-4. Disorderly conduct. Noises created by human behavior which may also constitute disorderly conduct.

80-66. Variance Permit. Variance permits may be issued by the commissioner to exceed the noise standards set forth in this subchapter as follows:

1. TEMPORARY VARIANCE PERMITS.

a. General. A temporary variance permit may be issued upon request provided that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

b. Special Community Events. A temporary variance permit may be issued for special events, such as circuses, 4th of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.

c. Procedure to Obtain a Variance Permit. Applications for temporary variance permits must be made in writing to the

commissioner and shall contain all of the following pertinent information:

- c-1. Dates requested.
- c-2. Time and place of operation.
- c-3. Equipment and operation involved.
- c-4. Necessity for such permit.
- c-5. Steps to be taken to minimize noise.

c-6. Name, address and telephone number of responsible persons who will be present at the operation site while the noise is produced.

- c-7. Purpose of the activity or event.

2. VARIANCE PERMITS OF INDEFINITE DURATION. a. It is recognized that it is not technically or economically feasible for certain business operations and equipment to comply with the standards set forth herein as of the date of this subchapter. The commissioner shall therefore issue a variance permit on existing business operations and equipment which produces excessive noise if it is found that it is not technically or economically feasible to alter such operation to reduce noise to within the prescribed standards set forth in this section. Applications for such variances must be made to the commissioner by an affected party in a letter setting forth the reasons that such variance should be granted. The commissioner, after review of all circumstances and the degree of nuisance, shall reply in writing giving the variance, denying the variance or setting forth the conditions or limitations under which the variance will be granted.

b. In the event the commissioner issues an order citing a violation of this section on an existing business operation and equipment and the party cited applies for a variance within 10 days of such citation, then all penalties provided shall be tolled from the date the application is filed until a final order or decision has been issued on the merits of the application.

3. REVIEW. Upon denial of a request for variance hereunder, or upon the grant of a variance containing conditions or limitations, the applicant for such variance may request a review of the decision of the commissioner pursuant to s. 320-11.

4. FEE. No application for a variance permit under this section shall be considered by the commissioner unless the applicant has paid to the commissioner the permit fee required in s. 60-66.

80-67. Exemption. 1. CONSTRUCTION SITES, PUBLIC UTILITIES, PUBLIC WORKS. The daytime criteria, as set forth in s. 80-64-1, shall not apply to construction sites, public utilities and public works projects and operations during the daytime hours from Monday through Saturday, inclusive; provided, however, that noise production shall be minimized through proper equipment operation and maintenance. Stationary equipment construction projects lasting more than 10 days within residential districts shall be shielded or located so as not to cause unnecessary noise.

2. EMERGENCY OPERATIONS. Emergency short-term operations which are necessary to protect the health and welfare of the citizens - such as emergency utility and street repair, fallen tree removal or emergency fuel oil delivery - shall be exempt from the criteria as set forth in s. 80-64-1, provided that reasonable steps shall be taken by those in charge of such operation to minimize noise emanating from the same.

3. NOISES REQUIRED BY LAW. The provisions of s. 80-64-1 shall not apply to any noise required specifically by law for the protection or safety of people or property.

4. LAWN MOWERS, GARDEN TOOLS, ETC. Powered equipment such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance, and which equipment, when new, would not comply with the standards set forth in this subchapter, shall be exempted from the provisions of s. 80-64-1. No person shall operate such equipment, with the exception of snow removal equipment, during the hours of 9 p.m. through 8 a.m., inclusive.

5. RESIDENTIAL AIR CONDITIONERS. Noise emitted by residential air conditioners shall be judged by the criteria set forth in s. 80-68.

80-68 Nuisances

7. AIRPLANES. Aircraft operations which are controlled specifically by federal law and enforcement shall be exempted from the provisions of this subchapter.

8. BELLS, CHIMES. Bells, chimes and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 5 minutes in any given one hour period shall be exempt from the daytime noise limitations of s. 80-64-1.

9. TRASH COMPACTING AND COLLECTION. Trash compacting and collection is exempt from the provisions of s. 80-64-1. However, no person shall operate any trash compacting mechanism on any motor vehicle or on any premises, nor shall any person engage in any trash, rubbish or garbage collection activity between the hours of 10:00 p.m. and 7:00 a.m., when such compacting or collection activity takes place on or in connection with any premises that is within 200 feet of a residential premises. City sanitation operations involving solid waste and recycling material are exempt from this provision.

80-68. Residential Air Conditioners.

1. EXCESSIVE NOISE PROHIBITED. No person shall install, operate or use any residential air conditioner, or combination of residential air conditioners, which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in excess of the sound pressure levels listed in sub. 3.

2. PROCEDURE OF INVESTIGATION. Upon receiving a complaint, the commissioner shall conduct a noise survey through use of a sound level meter and associate octave band analyzer. The sound pressure levels shall be measured within a sleeping room in the complainant's premises with the sound level measuring microphone placed 3 feet from an open window nearest to the source of the noise and not less than 3 feet above the floor of the room in which the measurement is made. Results of this survey shall be compared to the maximum permissible levels as set forth in sub. 3. If the levels found in the survey exceed the level in the table in any octave band, the noise shall be deemed as excessive and in violation of this section.

3. CRITERIA TO DETERMINE EXCESSIVE NOISE EMANATING FROM RESIDENTIAL AIR CONDITIONERS.

a. Maximum Permissible Noise.

Preferred Frequencies of Octave Bands (cycles per second)	Sound Pressure Level Decibels Re: 0.0002 Microbars	Nighttime Levels	Daytime Levels
63		66	76
125		59	69
250		52	62
500		46	56
1,000		42	52
2,000		40	50
4,000		38	48
8,000		37	47

b. Ambient Noise a Factor. Where the average normal background or ambient sounds approach the levels listed in par. a, a residential air conditioner, or combination of residential air conditioners, shall not be considered in violation of this subchapter unless a sound analysis reveals the creation of noise in excess of 5 decibels, in any octave band, above the average ambient sound level in that band.

80-69. Engine Compression Braking Prohibited.

1. PROHIBITION. No driver of any vehicle within the city shall use or operate or cause to be used or operated any mechanical device designed to aid in braking or deceleration of his or her vehicle which results in the creation of a loud, explosive noise, known as an engine compression brake and commonly referred to as a "jake brake".

2. EXCEPTIONS. The provisions of sub. 1 shall not apply to the application of un-muffled or effectively muffled engine compression brakes where necessary for the protection of persons and property, which cannot be avoided by the application of an alternative braking system. Noise caused by the application of engine compression brakes created by emergency vehicles for emergency purposes shall also be exempt.

80-70. Noisy Equipment. 1. SALE OR RENTAL OF EQUIPMENT. No person shall sell, offer, distribute, lease or rent any new or used vehicle, device or equipment intended for use within the limits of the city which does not comply with this subchapter or with rules and regulations adopted by the commissioner pursuant to this subchapter, or with any federal or state standards which apply to such equipment and are intended to reduce or minimize the noise emission from such equipment or device.

2. RULES AND REGULATIONS. The commissioner is empowered to adopt rules and regulations relative to the sale, distribution, rental or lease of new and used vehicles, devices and equipment which emit noise for the purpose of limiting such noise emission to the lowest practical level. Such rules shall be reasonably consistent with federal and state standards which regulate the noise emission of such equipment and devices. These rules shall have the same force and effect as law and shall be enforced in accordance with this subchapter. The commissioner shall submit a copy of the rules and regulations to the common council for approval prior to his adoption of the same. He shall file a copy of the adopted rules and regulations in the office of the city's legislative reference bureau.

80-71. City of Milwaukee Contracts and Purchases. 1. COMPLIANCE OF CITY CONTRACTORS AND SUBCONTRACTORS. It is the policy of the city to comply with the noise emission standards, as set forth in this subchapter, in its own operations and the operations of its contractors and subcontractors. All contractors and subcontractors shall be notified of and required to comply with the provisions of this section.

2. CITY PURCHASES. It is the policy of the city to purchase only equipment which complies to the standards established for the same by this subchapter.

80-72. Issuance of Building and Occupancy Permits. The procedures set forth in s. 200-26 shall be followed before any permit is granted for any nonresidential building or structure or a change in occupancy thereof, the ultimate use of which may result in the creation of noises which could be in violation of this subchapter.

80-73. Excessive Vibration Prohibited.

1. STATIONARY SOURCES. No person in the operation of a business in a fixed location shall produce earthborn vibration which, when measured at the foundation or basement floor of any dwelling structure, exceeds the following criteria:

Frequency (Hertz)	Displacement	
	Amplitude (In Inches)	
1	.05	
2	.01	
5	.001	
10	.0005	
20	.00025	
30	.00015	
40	.00012	
50	.00010	

2. TEMPORARY AND MOBILE SOURCES. No person shall produce vibration of a temporary nature such as, but not limited to, blasting, demolition, pavement breaking and pile driving which, when measured at the foundation or basement floor of any dwelling structure, exceeds the following limitations:

Frequency (Hertz)	Displacement	
	Amplitude (In inches)	
2	.1	
5	.01	
10	.005	
20	.0018	
30	.001	
40	.0008	
50	.0006	
60	.0005	

3. VARIANCE PERMIT MAY BE GRANTED. Variance permits may be issued by the commissioner to exceed the vibration standards set forth in this section as follows:

a. Temporary Variance Permits.

a-1. General. A temporary variance permit may be issued upon request provided that the work producing such vibration is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such vibrations at the lowest possible practical level.

80-75 Nuisances

a-2. Special Community Events. A temporary variance permit may be issued for special events, such as 4th of July celebrations, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to restrict the vibrations produced to the lowest practical level.

a-3. Procedure to Obtain a Variance Permit. Applications for temporary variance permits must be made in writing to the commissioner and shall contain all of the following pertinent information:

a-3-a. Date requested.

a-3-b. Time and place of operation. a-3-c.

Equipment and operation involved. a-3-d.

Necessity for such permit.

a-3-e. Steps to be taken to minimize vibrations, and

a-3-f. Name of responsible person who will be present at the operation site while the vibrations are produced.

b. Variance Permits of Indefinite Duration. b-

1. It is recognized that it is not technically or economically feasible for certain business operations and equipment to comply with the standards set forth herein as of the date of this section. The commissioner shall therefor issue a variance permit on existing business operations and equipment which produces excessive vibrations if it is found that it is not technically or economically feasible to alter such operations to reduce vibrations to within the prescribed standards set forth in this section. Applications for such variances must be made to the commissioner by an affected party in a letter setting forth the reasons that such variance should be granted. The commissioner, after review of all circumstances and the degree of nuisance, shall reply in writing giving the variance, denying the variance or setting forth conditions or limitations under which the variance will be granted.

b-2. In the event the commissioner cites an existing business operation and equipment and the party cited applies for a variance within 10 days of such citation, then all penalties provided shall be tolled from the date the application is filed until a final order or decision has been issued on the merits of the application.

80-75. Sound-Producing Devices: Impoundment, Seizure and Forfeiture.

1. IMPOUNDMENT. a. A police officer shall, at the time of issuing a citation for a violation of s. 346.94(16), Wis. Stats., or ss. 80-63, 80-64 or 80-65, impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with the 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), Wis. Stats., or ss. 80-63, 80-64 or 80-65.

b. The police department may impound a vehicle for not more than 5 working days to permit the police department or its agent to remove a 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 owner.

c. Upon disposition of the forfeiture action for the violation of this section, the radio, electric sound amplification device or other sound-producing device shall be returned to its owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.

d. The police department may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under s. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of 90 days after disposition of the forfeiture action.

2. SEIZURE. a. A police officer shall, at the time of issuing a citation for a violation of s. 346.94(16), Wis. Stats., or ss. 80-63, 80-64 or 80-65, seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with the 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), Wis. Stats., or ss. 80-63, 80-64 or 80-65.

b. The police department may impound a vehicle for not more than 5 working days to permit the police department or its agent to remove a 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 owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.

c. The seized sound-producing device shall remain in the custody of the police and the city attorney shall institute forfeiture proceedings. If the sound-producing device is sold by the police department, all proceeds of the sale shall be retained by the city. In all other respects, the seized sound-producing device shall be treated in substantially the manner provided in ss. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime.

d. The police department may, following the procedure for an abandoned vehicle under s. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of 90 days after disposition of the forfeiture action.