



Legislation Details (With Text)

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Title: An ordinance increasing penalties for noise nuisance violations upon conviction of a second or subsequent offense.

Sponsors: ALD. DONOVAN

Indexes: FINES AND PENALTIES, NOISE CONTROL, NUISANCES

Attachments: 1. Fiscal Note, 2. Hearing Notice List, 3. Notice Published on 1-8-10

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/3/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
12/3/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
12/3/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
12/10/2009	0	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
12/22/2009	0	COMMON COUNCIL	PASSED	Pass	14:0
1/5/2010	0	MAYOR	SIGNED		
1/8/2010	0	CITY CLERK	PUBLISHED		

090975
ORIGINAL

ALD. DONOVAN

An ordinance increasing penalties for noise nuisance violations upon conviction of a second or subsequent offense.

61-21 cr

80-90 am

This ordinance increases penalties for second and subsequent noise nuisance violations occurring within 3 years of a prior offense for the same violation.

Currently, violations of noise nuisance provisions in ss. 80-60 to 80-65-3 are punishable as Class E health violations and subject to forfeitures of not less than \$50 nor more than \$500, and, upon default of payment, are punishable by imprisonment of not less than 3 days nor more than 30 days.

Violations of s. 80-65-4 for noise nuisances that are intermittent, random and disruptive, and that are impractical to measure, are punishable as Class K violations and subject to forfeitures of not less than \$150 nor more than \$1,000, and, upon default of payment, are punishable by imprisonment of not less than 6 nor more than 40 days. These violations are often associated with excessively loud parties and with excessively loud car stereos.

There currently is no penalty enhancement for repeated offenses. This ordinance provides increased penalties for violations of the noise ordinances in ss. 80-60 to 80-65-4 creating a new health related penalty for Class O offenses. The new penalty is a forfeiture of not less than \$300 nor more than \$1500 for a second or subsequent conviction of the same ordinance violation within 3 years of a prior conviction. Upon default of payment, a violator may be imprisoned not less than 12 nor more than 60 days.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 60-21 of the code is created to read:

61-21. Class O. Upon conviction of a Class O violation, the violator shall forfeit not less than \$300 nor more than \$1,500. Upon default of payment, the violator shall be subject to imprisonment not less than 12 nor more than 60 days.

Part 2. Section 80-90 of the code is amended to read:

80-90. Penalties. >>1.<< Any person violating any of the following provisions of the chapter listed in column A shall be liable on conviction to the penalties listed in column B and described in ch. 61:

A	B
80-3	Class E
80-6 to 7	Class E
80-12	Class E
80-13	Class E
80-15	Class D
80-17	Class M
80-19	Class E
80-22	Class F
80-27	Class E
80-28	Class E
80-29	Class E
80-31	Class E
80-42	Class F
80-44	Class E
80-45 to 80-46.5	Class E
80-48	Class E
80-49	Class K
80-60 to 80-65-3	Class E
80-65-4	Class K
80-66 to 80-68	Class E
80-69	Class C
80-70 to 80-73	Class E

2. Any person violating a provision of ss. 80-60 to 80-65 and who has been convicted of a second or subsequent violation within 3 years of conviction for the same offense, shall be liable to Class O penalties as provided in s. 61-21.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB09446-1

RLW

11/16/2009