

1 BY AUTHORITY

2 ORDINANCE NO.
3 SERIES OF 2007
4 **AS AMENDED 6-4-07**

COUNCIL BILL NO. 242
COMMITTEE OF REFERENCE:
NCBR

5
6 A BILL

7 **For an ordinance amending Section 36-8 of the Revised Municipal Code**
8 **pertaining to Motor Vehicle Noise.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Section 36-8 (Motor Vehicle Noise) of Chapter 36 of the Denver Revised
11 Municipal Code is amended to delete the stricken words and add the underscored words as
12 follows:

13 Sec. 36-8. Motor vehicle noise.

14 (a) No person shall operate nor shall the owner allow the operation of any motor vehicle or
15 motor vehicles at any time or place when such operation exceeds the ~~following noise sound~~
16 ~~pressure levels for the~~ corresponding category of motor vehicle ~~and for the designated time~~
17 ~~period as specified in Table B. The~~ Except as provided in this subsection (a), the standards in
18 Table B shall apply to all sound emitted from motor vehicles including any and all equipment
19 thereon, under any condition of acceleration, deceleration, idle, grade or load and regardless of
20 whether or not in motion. In lieu of Table B, the provisions of section 36-6 Table A apply when a
21 motor vehicle is parked and vehicle auxiliary equipment is in use.

22 TABLE B

23 Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles

24 TABLE INSET:

| Type of Vehicle | Time Period | Maximum Allowable Sound Pressure Level | Measurement Distance from Motor Vehicle |
|--|------------------------|--|---|
| Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight | At any time | 80 <u>82</u> dB(A) | 25 feet |
| <u>Motor vehicles weighing 10,000 pounds or more, manufacturers gross vehicle weight</u> | | <u>90</u> dB(A) | <u>50</u> feet |

25 (b) It shall be unlawful for any person to ~~drive or move~~ operate, or for the owner of any motor
26 vehicle to permit to be driven or moved ~~the operation of~~, any motor vehicle or combination of
27 motor vehicles at any time, ~~which~~ that is not equipped with any exhaust muffler approved by

1 this chapter.

2 ~~(c) It shall be unlawful for any person or for the owner of a motor vehicle to modify or change~~
3 ~~the exhaust muffler, air intake muffler or any other sound reducing device in such a manner that~~
4 ~~the noise emitted from the motor vehicle exceeds the sound pressure levels as established in~~
5 ~~Table B of this section or, is increased above the sound pressure level of the vehicle as~~
6 ~~originally manufactured. Muffler cut-outs, by-passes or other devices which increase sound~~
7 ~~pressure levels, or change the original manufactured exhaust system of any motor vehicle shall~~
8 ~~be considered a violation of this chapter. It is unlawful for any person or for any owner to allow~~
9 ~~any person to modify, tamper with, alter, or change any motor vehicle in any manner that~~
10 ~~causes the sound emitted from the motor vehicle to exceed the corresponding sound pressure~~
11 ~~level in Table B.~~

12 (d) No person shall, nor shall the owner allow any person to, operate a motorcycle
13 manufactured after December 31 1982 that is not equipped with an exhaust muffler bearing the
14 federal EPA required labeling applicable to the motorcycle's model year, as set out in Code of
15 Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E; or a muffler or
16 muffler system in compliance with Table B.

17 **Section 2. The provisions of this ordinance shall become effective on July 1, 2007.**

18
19 COMMITTEE APPROVAL DATE: May 8, 2007.

20 MAYOR-COUNCIL DATE: May 15, 2007.

21 PASSED BY THE COUNCIL _____ 2007

22 _____ - PRESIDENT

23 APPROVED: _____ - MAYOR _____ 2007

24 ATTEST: _____ - CLERK AND RECORDER,
25 EX-OFFICIO CLERK OF THE
26 CITY AND COUNTY OF DENVER

27 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2007; _____ 2007

28 PREPARED BY: Katherine L. Wilmoth, Assistant City Attorney DATE: May 17, 2007

29 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
30 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
31 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
32 3.2.6 of the Charter.

33 City Attorney

34 BY: _____, _____ City Attorney

35 DATE: _____