

BY AUTHORITY

ORDINANCE NO. 249
SERIES OF 2007

COUNCIL BILL NO. 242
COMMITTEE OF REFERENCE:
Neighborhood, Community &
Business Revitalization

AS AMENDED 6-4-07

A BILL

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

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

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

Sec. 36-8. Motor vehicle noise.

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

TABLE B

Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles

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

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

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

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

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

15 COMMITTEE APPROVAL DATE: May 8, 2007.

16 MAYOR-COUNCIL DATE: May 15, 2007.

17 PASSED BY THE COUNCIL _____ 2007

18 [Signature] - PRESIDENT

19 APPROVED: [Signature] - MAYOR June 12, 2007

20 ATTEST: [Signature] - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL May 25, 2007; June 8, 2007

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

25 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
28 3.2.6 of the Charter.

29 City Attorney

30 BY: [Signature], Asst City Attorney

31 DATE: 17 May 07

