

## ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 12-1 (*TRAFFIC REGULATION AND ADMINISTRATION*) OF THE CITY CODE TO ADD A NEW SECTION RELATING TO VEHICLE ENGINE NOISE AND CREATING AN OFFENSE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Chapter 12-1 (*Traffic Regulation and Administration*) of the City Code is amended to add a new section 12-1-36 to read:

## § 12-1-36 VEHICLE ENGINE NOISE.

- (A) A person may not make, or cause to be made, any loud or disturbing noise or vibration that is offensive to a person of ordinary sensibilities from the discharge into the open air of the exhaust from any motor vehicle, except through a muffler or other device that will effectively and efficiently prevent loud or disturbing noise or vibration.
- (B) A loud or disturbing vehicle engine noise vibration in violation of this section may be caused by missing or faulty equipment, a vehicle in disrepair, or any one or more the following:
  - (1) excessive acceleration or deceleration while in motion when there is no emergency need;
  - (2) rapid acceleration by means of quick up shifting of transmission gears with either a clutch, manual transmission, or automatic transmission;
  - (3) rapid deceleration by means of quick down shifting of transmission gears with either a clutch, manual transmission, or automatic transmission;
  - (4) racing or revving of the engine by manipulation of the accelerator, gas pedal, or carburetor in applying fuel to the engine in a greater amount than is necessary whether the vehicle is either in motion or standing still; or
  - (5) operation of the vehicle by intentionally applying unnecessarily excessive acceleration from a stationary position, or unnecessary, deliberate, or intentional bursts of acceleration while moving in a non-emergency situation.
- (C) A vehicle engine noise or vibration is presumed to be loud or disturbing and offensive to a person of ordinary sensibilities in violation of this section if the

1 noise exceeds a decibel level of 85 after the person making the noise receives  
2 notice from a peace officer that the noise is a public nuisance.

3 (D) In the enforcement of this section, a peace officer may be required to exercise  
4 judgment in determining if a particular noise or vibration violates this section.  
5 When making such a determination, the officer shall consider the following  
6 factors:

7 (1) the intensity (sound pressure) of the noise or vibration;  
8 (2) whether the nature of the noise or vibration is usual or unusual;  
9 (3) the volume and intensity of the background noise or vibration, if any;  
10 (4) the proximity of the noise or vibration to residences;  
11 (5) the time of day when the noise or vibration occurs;  
12 (6) the duration of the noise or vibration; and  
13 (7) whether the noise or vibration is recurrent, intermittent, or consistent.

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15 **PART 2.** This ordinance takes effect on \_\_\_\_\_.  
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19 **PASSED AND APPROVED**

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23 \_\_\_\_\_, 2025

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24 Kirk Watson  
25 Mayor  
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27 APPROVED: \_\_\_\_\_

28 Deborah Thomas  
29 City Attorney  
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ATTEST: \_\_\_\_\_

Erika Brady  
City Clerk