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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

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

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

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

PART 2. This ordinance takes effects on _____.

PASSED AND APPROVED

_____, 2025 §
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Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas Erika Brady
City Attorney City Clerk