

ORDINANCE NO. 2020-11

AN ORDINANCE OF THE TOWN OF SEVERANCE, COLORADO, MODIFYING PROVISIONS OF THE SEVERANCE MUNICIPAL CODE TO RESTRICT CERTAIN NOISE CAUSING EQUIPMENT ON MOTOR VEHICLES

WHEREAS the Board of Trustees (“Board”) of the Town of Severance (“Town”) finds that noise levels resulting from motor vehicles are a problem in the Town and have led to complaints;

WHEREAS the Board finds that certain types of equipment utilized on some motor vehicles unnecessarily exacerbate noise levels;

WHEREAS section 10-9-30 of the Severance Municipal Code already prohibits certain types of noise making equipment on non-governmental motor vehicles;

WHEREAS the Board desires to amend section 10-9-30 to restrict certain additional types of motor vehicle equipment in an effort to minimize and reduce unnecessary noise levels in the Town, which the Board finds constitute a nuisance;

WHEREAS, the Board determines that prohibiting certain types of noise making equipment on non-governmental motor vehicles that constitute a nuisance is in the interest of the health, safety, and general welfare of the Town;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:

Section 1. Section 10-9-30 of the Severance Municipal Code is amended to read in its entirety as follows:

Sec. 10-9-30. – Vehicle noise.

- (1) Sirens, whistles, gongs and red lights. It is unlawful for any person to use upon a vehicle, other than Police or Fire Department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Departments.
- (2) “Engine Brake.” It is unlawful for any person, within designated areas marked by signage, to use or operate or cause to be used or operated a device which is commonly called an “Engine Brake”, as such device is determined by the Board to cause such an unreasonable and unnecessary noise so as to constitute a public nuisance. For the purposes of this section, an “Engine Brake” is a device which can be installed on diesel engines of trucks, or other motor vehicles, for slowing or stopping such vehicle by releasing stored, compressed air from the cylinder at the top of the piston’s stroke. Notwithstanding the foregoing, it is an affirmative defense to a violation of

this section that the “Engine Brake” was used on an emergency basis to avoid damage to property, or injury to a person.

- (3) Signage. Signs stating “Vehicle Noise Laws Enforced” or “Engine Brake Ordinance Enforced” “No Engine Brake by Town Ordinance” may be installed at locations deemed appropriate by the Town Administrator or the Town Administrator’s designee.
- (4) Mufflers. Every motor vehicle subject to registration and operated on a public street, alley, roadway, or public right of way shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any unreasonable and unnecessary noise so as to constitute a public nuisance. It shall be unlawful for a person to operate a motor vehicle that is equipped with a straight pipe exhaust system, a cut-off, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.
- (5) Operation of vehicles. It is unlawful for a person to operate any automobile, motorcycle or vehicle in the Town of Severance in such a manner as to create unreasonable and unnecessary noise or vibrations from the exhaust system so as to constitute a public nuisance.
- (6) For the purposes of this section, an “unreasonable” and “unnecessary” noise is any noise that a reasonable person under similar circumstances would determine to be unreasonable. It shall be prima facie evidence that a noise is “unreasonable” and “unnecessary” so as to constitute a public nuisance if it is audible at 25 feet.
- (7) Definitions. For the purposes of this Section, “muffler” shall mean a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise. Straight pipe exhaust system shall mean any straight muffler that does not contain baffles, including but not limited to glass packs, steel packs and straight pipes.

Section 2. Effective Date. This Ordinance shall become effective 30 days after publication as required by Colorado law.

PASSED, ADOPTED, SIGNED AND APPROVED this the 22nd day of
September 2020.

TOWN OF SEVERANCE

By: _____
Donald M. McLeod, Mayor

ATTEST:

By: _____
Michael Jenner, Town Clerk