

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 intentionally, knowingly, recklessly, or with criminal negligence 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 or 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 in motion or standing still; or

(5) 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 peace 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 effects on _____, 2026.

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17 **PASSED AND APPROVED**

18
19 §
20 §
21 _____, 2026 § _____

22 Kirk Watson
23 Mayor

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26 **APPROVED:** _____
27 Deborah Thomas
28 City Attorney

26 **ATTEST:** _____
27 Erika Brady
28 City Clerk