

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2024-20**

3 **INTRODUCED BY:**

4
5 Councilor Signe Lindell

6 Councilor Pilar Faulkner

7
8
9
10 **A BILL**

11 **MAKING A TECHNICAL CORRECTION; RELOCATING SUBPARAGRAPHS A-G OF**
12 **SECTION 12-1-23.1 OF ARTICLE I (“DEFINITIONS”) OF EXHIBIT A, CHAPTER 24,**
13 **SFCC 1987, TO SECTION 12-10-1.10 OF ARTICLE X (“VEHICLE REGULATIONS”) OF**
14 **THE SAME EXHIBIT.**

15
16 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

17 **Section 1. Section 12-1-23.1 of Article I (“Definitions”) to Exhibit A of Chapter**
18 **24 (Uniform Traffic Ordinance) of SFCC 1987 (being Ord. No. 2023-2) is amended to read as**
19 **follows:**

20 **12-1-23.1 FACTORY-INSTALLED EXHAUST OPTION.**

21 "Factory-Installed Exhaust Option" means an exhaust system for a motor vehicle that is
22 offered as an option by the manufacturer and/or dealer to the purchaser that allows the driver of
23 the motor vehicle to adjust the sound levels of the motor vehicle's exhaust. Examples of Factory-
24 Installed Exhaust Option include, but are not limited to, Ford's Active Valve Performance
25 Exhaust and Porsche's Porsche Sports Exhaust.

[bracketed material] = delete

underscored material = new

1 [A. — Every motor vehicle shall at all times be equipped with a muffler in good
2 working order and in constant operation to prevent excessive or unusual noise, and no person
3 shall use a muffler cutout, muffler bypass, straight through mufflers that do not contain baffles
4 (including but not limited to glass packs, steel packs, and straight pipes), or similar device upon a
5 motor vehicle on a street in this municipality.

6 B. — The muffler, emission control equipment or device, engine and power
7 mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of
8 excessive fumes or smoke.

9 C. — Every registered gasoline fueled motor vehicle manufactured or assembled,
10 commencing with the 1968 models, shall at all times be equipped and maintained in good
11 working order with the factory installed devices and equipment or their replacements designed to
12 prevent, reduce, or control exhaust emissions or air pollution. Such devices or equipment shall
13 not be modified in a manner which will amplify or increase the noise emitted by the motor of
14 such vehicle above that emitted by a muffler of the type originally installed on the vehicle.

15 D. — The use of a factory installed exhaust option is prohibited and violates this
16 ordinance if the noise emitted exceeds the decibel level reading described in Section 10.2-9.

17 E. — Muffler changes or modification. No person shall sell, offer for sale, install or
18 offer to install, modify or change the exhaust muffler, intake muffler, or any other noise
19 abatement device of a motor vehicle in a way that increases or tends to increase the exhaust
20 fumes, smoke, or noise from a motor vehicle. Such prohibited changes or modifications shall
21 include, but not be limited to cut-outs, by-passes, and straight through mufflers that do not
22 contain baffles (including but not limited to glass packs, steel packs, and straight pipes).

23 F. — For a first offense under paragraphs A, B, or C above, a person shall not be
24 convicted if repairs are affected on the motor vehicle and the vehicle passes a compliance test
25 within ninety (90) days of the citation being issued.

1 G. ~~The city manager or the city manager's designee shall prescribe the compliance~~
2 ~~test based on the decibel levels identified as excessive in Section 10.2-9. A person cited under this~~
3 ~~section may rely on measured decibel levels from the compliance test as an affirmative defense in~~
4 ~~challenging a citation. (Ord. No. 2023-2, § 1)]~~

5 **Section 2. Section 12-10-1.10 of Article X (“VEHICLE REGULATIONS”) of**
6 **Exhibit A of Chapter 24 (Uniform Traffic Ordinance) of SFCC 1987 is amended to read as**
7 **follows:**

8 **12-10-1.10 - MUFFLERS—PREVENTION OF NOISE—EMISSION CONTROL**
9 **DEVICES.**

10 A. Every motor vehicle shall at all times be equipped with a muffler in good
11 working order and in constant operation to prevent excessive or unusual noise, and no person
12 shall use a muffler cutout, muffler bypass, straight-through mufflers that do not contain baffles
13 (including but not limited to glass packs, steel packs, and straight pipes), or similar device upon
14 a motor vehicle on a street in this municipality.

15 B. The muffler, emission control equipment or device, engine and power
16 mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of
17 excessive fumes or smoke.

18 C. Every registered gasoline-fueled motor vehicle manufactured or assembled,
19 commencing with the 1968 models, shall at all times be equipped and maintained in good
20 working order with the factory-installed devices and equipment or their replacements designed
21 to prevent, reduce, or control exhaust emissions or air pollution. Such devices or equipment
22 shall not be modified in a manner which will amplify or increase the noise emitted by the motor
23 of such vehicle above that emitted by a muffler of the type originally installed on the vehicle.

24 (66-3-844 NMSA 1978)

25 D. The use of a factory-installed exhaust option is prohibited and violates this

1 ordinance if the noise-emitted exceeds the decibel level reading described in Section 10.2-9.

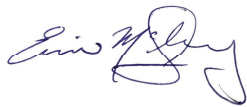
2 E. Muffler changes or modification. No person shall sell, offer for sale, install or
3 offer to install, modify or change the exhaust muffler, intake muffler, or any other noise
4 abatement device of a motor vehicle in a way that increases or tends to increase the exhaust
5 fumes, smoke, or noise from a motor vehicle. Such prohibited changes or modifications shall
6 include, but not be limited to cut-outs, by-passes, and straight-through mufflers that do not
7 contain baffles (including but not limited to glass packs, steel packs, and straight pipes).

8 F. For a first offense under paragraphs A, B, or C above, a person shall not be
9 convicted if repairs are affected on the motor vehicle and the vehicle passes a compliance test
10 within ninety (90) days of the citation being issued.

11 G. The city manager or the city manager's designee shall prescribe the compliance
12 test based on the decibel levels identified as excessive in Section 10.2-9. A person cited under this
13 section may rely on measured decibel levels from the compliance test as an affirmative defense in
14 challenging a citation. *

15 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2024.

16
17 APPROVED AS TO FORM:

18 

19 _____
20 ERIN K. McSHERRY, CITY ATTORNEY