

**CITY OF SANTA FE, NEW MEXICO**

**ORDINANCE NO. 2025-7**

**INTRODUCED BY:**

Councilor Signe Lindell

Pilar Faulkner

**AN ORDINANCE**

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

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

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

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

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

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

4 **12-10-1.10 - MUFFLERS—PREVENTION OF NOISE—EMISSION CONTROL**  
5 **DEVICES.**

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

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

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

20 (66-3-844 NMSA 1978)

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

23           E.       Muffler changes or modification. No person shall sell, offer for sale, install or  
24 offer to install, modify or change the exhaust muffler, intake muffler, or any other noise  
25 abatement device of a motor vehicle in a way that increases or tends to increase the exhaust

1 fumes, smoke, or noise from a motor vehicle. Such prohibited changes or modifications shall  
2 include, but not be limited to cut-outs, by-passes, and straight-through mufflers that do not  
3 contain baffles (including but not limited to glass packs, steel packs, and straight pipes).

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

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

11 PASSED, APPROVED, and ADOPTED this 29<sup>th</sup> day of January, 2025.

12  
13   
14 Alan Webber (Jan 31, 2025 10:26 MST)

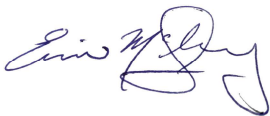
15 ALAN WEBBER, MAYOR  
16

17 ATTEST:

18   
19 ANDREA SALAZAR (Jan 31, 2025 12:01 MST)

20 ANDRÉA SALAZAR, CITY CLERK  
21

22 APPROVED AS TO FORM:

23   
24 \_\_\_\_\_

25 ERIN K. McSHERRY, CITY ATTORNEY

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24 *Bill No. 2024-20*

25 *Legislation/2025/Ordinances/2025-7 (O)/Technical Amendment Muffler Noise Violation*