



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Brian Layton, Chief of Police
SUBJECT: Motor vehicle mufflers, exhaust systems
DATE: draft June 21, 2022 (for the July 12, 2022 Council Meeting)

ISSUE

Shall City Council amend the City Code to address the noise created by motor vehicles with modified mufflers and illegal exhaust systems?

RECOMMENDATION

Yes. As of July 1, 2022, local governing bodies will have the legal authority to regulate the noise from motor vehicles operated on public streets that are not equipped with a muffler and exhaust system conforming to state law. The Department regularly receives complaints about these motor vehicles and their disruptive effect both downtown and on residential neighborhoods. If Council adopts a local regulation, then all revenues from violations will come to the City, instead of the state.

DISCUSSION

State law requires motor vehicles to be equipped with mufflers and exhaust systems in good working order, and exhaust systems must meet or exceed the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.¹ However, the law currently prohibits law enforcement officers from stopping a motor vehicle for a violation of this requirement. Only localities in the Northern Virginia Planning District may adopt local ordinances incorporating these prohibitions.

The 2022 General Assembly adopted Acts of Assembly Chapter 490, which makes two important changes. First, it authorizes all Virginia local governments to adopt ordinances regulating noise from motor vehicles, so long as those ordinances are consistent with state law. Second, it authorizes law enforcement officers to stop motor vehicles for violations of the muffler and exhaust system requirements. These changes become effective on July 1, 2022.

¹ Va. Code §§46.2-1047, 46.2-1049.

The Fredericksburg Police Department (FPD) receives noise complaints concerning loud motor vehicles each month. These complaints often involve noise generated from excessive revving of engines, modified exhaust systems, or illegal aftermarket exhaust systems which create significantly more noise than a stock (or EPA approved) exhaust system. Over the last 20 months, it was disheartening to inform complainants that excessive vehicle noise was not a primary offense for a traffic stop.

With this adjustment in state law, the FPD will resume enforcement of observed excessive noise violations. FPD will conduct training for staff concerning establishment of probable cause for a traffic stop for motor vehicle noise violations as well as determining a legal exhaust system from an illegal system.

Therefore, the recommendation is for City Council to adopt the accompanying ordinance, amending the City Code, on first and second reading on July 12.

FISCAL IMPACT

The fine for each violation is \$30, plus court costs of \$51, for a total cost per violation of \$81.

Attachments: draft ordinance



draft June 17, 2022
Regular Meeting
Ordinance No. 22-__

MOTION:

SECOND:

RE: Incorporating the state law standards for motor vehicle mufflers and exhaust systems into the City Code

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

Sec. I. Introduction.

Excessive noise from motor vehicles adversely affects the public health, safety, and welfare; the public enjoyment of the downtown and the peace and livability of residential neighborhoods. It is one of the most frequent sources of noise complaints from residents and visitors.

By adoption of the 2022 Virginia Acts of Assembly Chapter 490, the Virginia General Assembly authorized local governments to regulate noise from a vehicle operated on a highway that is not equipped with a muffler and exhaust system conforming to Virginia Code §§46.2-1047 and 46.2-1049.

Sec. II. City Code amendment.

1. The City Code is amended by adding a new section 58-19, "Muffler cutout, etc., illegal," as follows:

Sec. 58-19. Muffler cutout, etc., illegal.

It shall be unlawful for any person to operate on the highways in the City a motor vehicle, moped, or motorized skateboard or foot-scooter equipped with a gutted muffler, muffler cutout, or straight exhaust.

2. The City Code is amended by adding a new section 58-20, "Exhaust system in good working order," as follows:

Sec. 58-20. Exhaust system in good working order.

- (a) No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent of the Department of State Police of the Commonwealth, or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.*
- (b) As used in this section, "exhaust system" means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.*
- (c) Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.*
- (d) The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to Va. Code § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.*

Sec. III. Effective date.

This ordinance shall go into effect immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 22-__ duly adopted at a meeting of the City Council meeting held Date, 2022 at which a quorum was present and voted.

***Tonya B. Lacey, MMC
Clerk of Council***