

1ST READING

11-18-08

2ND READING

11-25-08

INDEX NO. _____

ORDINANCE NO. 12186

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, SECTION 24-438 RELATIVE TO MUFFLERS AND APPROVED ENGINE COMPRESSION BRAKING DEVICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, as follows:

SECTION 1. That Chattanooga City Code, Part II, Chapter 24, Section 24-438, be and the same is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 24-438. Mufflers and approved engine compression braking devices; definitions; noise test and signage.

- (a) No person shall drive a motor vehicle on any street in the city unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (b) It shall be unlawful to use a "muffler cutout" on any motor vehicle upon any road, street or highway.
- (c) Trucks, tractors, and semitrailers, as defined in T.C.A. § 55-8-101, shall not use an engine compression braking device unless the engine compression braking device is equipped with an operational approved muffler to prevent excessive or unusual noise. In this section, "approved muffler" shall mean any muffler that complies with the Federal Motor Carrier Safety Regulations on noise emissions found at 49 CFR 325, et. seq.
- (d) The City Traffic Engineer is authorized and directed to conduct an engineering and traffic investigation to determine areas of the City which are subject to excessive or unusual noise and to place signage on such city streets which are necessary to limit excessive roadway noise to adjoining property owners. Excessive or unusual noise shall be considered in conformance with the provisions described in sections 25-66 through 25-74 of the Chattanooga City Code as well as this section.

(e) "Excessive or unusual noise" shall include, but not be limited to, any sound made by a motor vehicle at any time under any condition of grade, speed, acceleration, or de-acceleration which exceeds ninety (90) decibels with reference to .0002 microbar.

(f) Any test made by a mechanical instrument shall have the A Scale weighing network and fast meter response specified in American Standards Association specifications numbered S1.4-1961. Tests shall be conducted with the microphone located four and one-half (4.5) feet above ground level at a distance of ten (10) feet from the left rear of the vehicle while said vehicle is on asphalt or concrete. The testing machine shall be as above specified and shall have an internal calibrating feature, for field calibration by an operator, with a color scale indicating when ninety (90) decibels is exceeded.

State law reference--Similar provisions, T.C.A., §§ 55-7-117 and 55-9-202.

SECTION 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect two (2) weeks from and after its passage as required by law.


PASSED on Second and Final Reading

November 25, 2008.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 11/26, 2008


MAYOR

PAN/add