

COMPARED VERSION  
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160213

Amending Chapter 46, Code of Ordinances, entitled “Noise Control” by repealing Section 46-5(3), Specific Prohibitions, Refuse and Recycling Vehicles, and enacting in lieu thereof a new Section 46-35(3) of like title, for the purpose of enhancing enforcement for those allowing collection; and repealing Article II, Motor Vehicles, consisting of Sections 46-16 through 46-18, and enacting in lieu thereof a new Article II entitled “Motor Vehicles and Motorcycles,” consisting of Sections 46-16 through 46-20, for the purpose of ~~applying a plainly audible standard to~~simplifying noise standards for motor vehicles and motorcycles.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1.— That Chapter 46, Code of Ordinances, entitled “Noise Control” is hereby amended by repealing Section 46-5(3), Specific Prohibitions, Refuse and Recycling Vehicles, and enacting in lieu thereof a new Section 46-35(3) of like title and subject matter, said section to read as follows:

**Sec. 46-5. ~~Specific prohibitions.~~**

(3)~~Refuse and Recycling Vehicles.~~—No person shall allow for the collection or collect refuse or recycling materials with a refuse or recycling collection vehicle or operate the compacting mechanism of any motor vehicle that compacts refuse or recycling, between the hours of 8:00 p.m. and 7:00 a.m. the following day in a residential ~~property~~ area or within 500 feet of such an area.

Section 2.— That Chapter 46, Code of Ordinances, entitled “Noise Control” is hereby amended by repealing Article II, Motor Vehicles, consisting of Sections 46-16 through 46-18, and enacting in lieu thereof a new Article II entitled “Motor Vehicles and Motorcycles,” consisting of Sections 46-16 through 46-20, said Article to read as follows:

**ARTICLE II. MOTOR VEHICLES AND MOTORCYCLES**

**Sec. 46-16. Motor Vehicles.**

(a)~~Public Right-of-Way; Plainly Audible Standard; Nighttime Hours~~

(1) *Maximum Weight of 10,000 pounds or less.*—No person shall operate, cause or permit to be operated a motor vehicle with a maximum gross weight of 10,000 pounds or less, where the muffler, exhaust or other component on the motor vehicle generates a sound that is plainly audible at a distance of 300 feet or more from the motor vehicle. This subsection

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shall only ~~be enforced~~apply when the sound is generated between the hours of 10:00 p.m. and 7:00 a.m. the following day ~~on either: (i) public right-of-way where the speed limit is 35 miles per hour or less or (ii) on any private property.~~ The detection of the sound by a person using his or her unaided hearing is sufficient to verify plainly audible sound. ~~Plainly audible sound does not require measurement with a sound meter.~~

- (2) ~~————(b) Maximum weight greater than 10,000 pounds.~~ No person shall operate, cause or permit to be operated a motor vehicle with a maximum gross weight of more than 10,000 pounds, where the muffler, exhaust or other component on the motor vehicle generates a sound that is plainly audible at a distance of 350 feet or more from the motor vehicle, except when a compression release brake system is used to stop the vehicle in an emergency. ~~This subsection shall only be enforced~~apply when the sound is generated between the hours of 10:00 p.m. and 7:00 a.m. the following day ~~on either: (i) public right-of-way where the speed limit is 35 miles per hour or less. The detection of the sound by a person using his or her unaided hearing is sufficient to verify plainly audible sound. Plainly audible sound does not require measurement with a sound meter.~~(ii) on any private property.

~~————(c) Compression release braking systems. It shall be unlawful for any person to utilize a motor vehicle's compression release braking system while traveling on roads or highways within the City with posted right of way signs that say "Noise Ordinance Enforced."~~

(b) Private Property; Metered Readings; All Hours. No person shall operate or cause to be operated a motor vehicle on private residential property which creates a noise on private residential property that exceeds the following limits with a two-minute sound level meter reading:

- (1) Day hours. 90 decibels between the hours of 7am and 10pm.  
(2) Night hours. 55 decibels between the hours of 10pm and 7am.

The same standards for the taking of sound level readings used elsewhere in the Noise Code shall apply to this subsection.

**Sec. 46-17. -Motorcycles.**

(a) Public Right-of-Way; Plainly Audible Standard; Nighttime Hours. No person shall operate, cause or permit to be operated any motorcycle where the muffler, exhaust or other component on the motor vehicle generates a sound that is plainly audible at a distance of 300 feet or more from the motorcycle. ~~This subsection shall only be enforced between the hours of 10:00 p.m. and 7:00 a.m. the following day on either: (i) apply on~~ public right-of-way where the speed limit is 35 miles per hour or less. The detection of

the sound by a person using his or (ii) on any private property. her unaided hearing is sufficient to verify plainly audible sound. Plainly audible sound does not require measurement with a sound meter.

(b) *Private Property; Metered Readings; All Hours.* No person shall operate or cause to be operated a motorcycle on private residential property which creates a noise on private residential property that exceeds the following limits

**Sec. 46-18. Plainly audible standard.**

—As with a two-minute sound level meter reading:

(1) Day hours. 90 decibels between the “plainly audible” standard hours of 7am and 10pm.

(2) Night hours. 55 decibels between the hours of 10pm and 7am.

The same standards for the taking of sound level readings used elsewhere in the Noise Control Code, the detection of the sound by a person using his or her unaided hearing is sufficient shall apply to verify plainly audible sound. this subsection. Plainly audible sound does not require measurement with a sound meter.

**Sec. 46-18.46-19. Mufflers or other sound-dissipative devices.**

(a) No person shall operate any motor vehicle, motorcycle or unlicensed construction motor vehicle designed and manufactured with a muffler or other sound-dissipative device unless equipped with a muffler or other sound-dissipative device in good working order and in constant operation.

(b) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repairs or replacement, any muffler or sound-dissipative device on a motor vehicle or motorcycle.

**Sec. 46-2019. Use of horns and other signaling devices.**

No person shall sound any horn or other auditory signaling device on or in any motor vehicle or motorcycle on any public right-of-way or public space, unless reasonably necessary to ensure safe operation.

**Sec. 46-20. Compression release braking systems.**

It shall be unlawful for any person to utilize a motor vehicle’s compression release braking system while traveling on roads or highways within the City with posted right-of-way signs that say “Noise Ordinance Enforced.”

Secs. 46-21--46-25. -Reserved.

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Approved as to form and legality:

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Joseph A. Guarino  
Assistant City Attorney

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