

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 732**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
SECTION 10-13-60 OF THE *MEAD MUNICIPAL CODE* RELATED TO
MOTOR VEHICLE NOISE TO REQUIRE VEHICLES WITH AN
ENGINE COMPRESSION BRAKING DEVICE TO HAVE AN
ADEQUATE MUFFLER IN GOOD WORKING ORDER, AND
PROVIDING A PENALTY.**

WHEREAS, the Board of Trustees of the Town of Mead finds that the use of motor vehicle compression brakes, disturbs the public peace and quiet; and

WHEREAS, it is the desire of the Board of Trustees to regulate the noise created by trucks and other vehicles equipped with engine compression braking devices through the requirement that all vehicles so equipped shall have a muffler for the device and the muffler shall be maintained in good working order;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Section 10-13-60 of the *Mead Municipal Code* is hereby amended by the addition of a new paragraph (e) to read as follows:

“(e) No person shall operate any motor vehicle with an engine compression braking device that does not have an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. For the purpose of this paragraph, a muffler shall mean a device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise.”

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Violations and Penalties.

a. It shall be a violation of this ordinance for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required

in this ordinance.

- b. Any person convicted of a violation of this Article shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) for each offense, but shall not be subject to imprisonment or a jail sentence. Each day any violation of this Article shall continue shall constitute a separate offense.
- c. In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Town Board, may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violations. The Remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 9th DAY OF September, 2013.

ATTEST:

By 
Linda Blackston, CMC, Town Clerk

TOWN OF MEAD

By 
Richard W. Macomber, Mayor

