

1 STATE OF SOUTH CAROLINA  
2 COUNTY OF HORRY  
3 CITY OF MYRTLE BEACH

ORDINANCE 2008-68

4 IN CHAPTER 14, ARTICLE X, SECTION 14-240, AN ORDINANCE TO  
5 PROHIBIT THE OPERATION OF MOTOR VEHICLES THAT DO NOT HAVE  
6 REQUIRED EPA LABELING COMPLIANCE OR THAT EXCEED  
7 ESTABLISHED SOUND LEVELS; TO PROHIBIT THE OPERATION OF ANY  
8 MOTOR VEHICLES THAT ARE NOT EQUIPPED WITH ANY EXHAUST  
9 MUFFLER APPROVED BY THIS CHAPTER; THE VIOLATION OF WHICH IS  
10 AN ADMINISTRATIVE INFRACTION; AND TO DECLARE VEHICLES IN  
11 VIOLATION TO BE A PUBLIC NUISANCE, AND IMPOUND, TOW AND  
12 STORE SUCH VEHICLES UNTIL THE VEHICLES CAN BE REMOVED FROM  
13 THE CITY LIMITS WITHOUT OPERATION IN VIOLATION OF THE LAW.

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15 IT IS HEREBY ORDAINED THAT SECTION 14-244 OF THE CODE OF  
16 ORDINANCES OF THE CITY OF MYRTLE BEACH IS ENACTED AS  
17 FOLLOWS:

18  
19 **Sec. 14-240**

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21 Motorized vehicles not in compliance or operated to create noise.

- 22 a. For the public health, safety and welfare, every motorcycle or motor vehicle shall  
23 be equipped with an adequate muffler system in constant operation, free of  
24 defects and modifications that prevent the escape of any excessive or unusual  
25 noise in operation. If not original equipment, the muffler must reduce exhaust  
26 noise levels to that of the vehicle's original equipment. For purposes of this  
27 section, a muffler system is a combination of components that provide for the  
28 enclosed flow of exhaust gas from the engine exhaust port to the atmosphere.  
29 Further, for purposes of this section, a motorcycle means a motor vehicle with 2,  
30 3 or 4 wheels with a mass of less than 1499 lbs, and capable of achieving a speed  
31 of 40 mph on a level surface with a 176 lbs driver, and such vehicle is equipped  
32 with the customary features that allow operation on the South Carolina highway  
33 system.
- 34  
35 b. It shall be an administrative infraction for any person to operate any motor  
36 vehicle at any time that is not equipped with any exhaust muffler approved by  
37 this chapter, as shown by EPA labeling compliance or by testing.
- 38  
39 c. The motor vehicle found in violation under the provisions herein may not be  
40 driven or operated within the city limits, and constitute a public nuisance when  
41 found in the city limits, and is subject to impoundment and immediate towing to  
42 prevent operation as a nuisance vehicle. The police hold on the release of the  
43 vehicle is deemed satisfied when the owner pays all applicable towing and  
44 storage charges, and redeems the vehicle with the apparent and present ability to  
45 remove the vehicle from the city limits without operation within the city limits in  
46 violation of this ordinance.

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- d. It shall be an administrative infraction and a public nuisance to operate within the city limits a motorcycle manufactured after December 31, 1982, that is not equipped with an unmodified exhaust muffler bearing the Federal EPA required labeling compliance applicable to the motorcycle's model year, as set out in Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E.
- e. It shall be an administrative infraction and a public nuisance to operate within the city limits a motorcycle manufactured before December 31, 1982, or any custom built motorcycle of any year of manufacture that has a measured noise level of more than 83 decibels on the decibel meter when measured 20 inches from the exhaust pipe at a 45 degree angle while the engine is operating at 2,800 revolutions per minute for one and 2 cylinder motorcycles and 3,500 revolutions per minute for any motorcycle with 3 or more cylinders.
- f. It shall be an administrative infraction to operate any motor vehicle, excluding motorcycles as regulated above, at any time or place when such operation exceeds the sound pressure levels for the corresponding category of motor vehicles as specified in Table N. The standards in Table N apply to all noise emitted from motor vehicles including any and all equipment thereon, under any condition of acceleration, deceleration, idle, grade or load and regardless of whether in motion.
- g. It shall be an administrative infraction for any person or for any owner to allow any person to modify, tamper with, alter, or change any motorcycle or motor vehicle in any manner that causes the sound emitted to exceed the subsection (e) or the corresponding sound pressure level in Table N.
- h. It shall be an administrative infraction, and a public nuisance, to operate any motor vehicle of any size and regardless of the year of manufacture:
  - 1. That is not equipped with an adequate muffler in constant operation, free of defects and modifications, and that prevents the escape of any excessive or unusual noise, or
  - 2. That has a muffler system that is equipped with a straight pipe exhaust system (regardless of the presence of baffles), or
  - 3. That has a hollow core muffler, or
  - 4. That has a muffler that is labeled for off road closed course competition use, or
  - 5. That has a muffler system that has a cut out, bypass, or similar device designed or so installed so that it can be used continually or intermittently to bypass or otherwise reduce or eliminate the effectiveness of a muffler or muffler system, or
  - 6. That has a muffler system that has been modified in a manner which will amplify or increase the noise emitted by the exhaust.

- 93 i. Regardless of Subsections a - h above, it shall be an administrative infraction to  
 94 operate any motor vehicle within the city limits so as to make any loud or  
 95 unnecessary noise that results from any one or more of the following actions by  
 96 the operator to create a per se loud and unnecessary noise:  
 97 1. Misuse of acceleration or braking power that exceeds tire traction limits,  
 98 sometimes known as "burn-outs", "burning rubber", "laying down rubber"  
 99 or "peeling rubber".  
 100 2. Excessive acceleration or deceleration while in motion where there is no  
 101 emergency need.  
 102 3. Rapid acceleration by means of quick up shifting of transmission gears  
 103 with either a clutch or manual transmission or automatic transmission.  
 104 4. Rapid deceleration by means of quick downshifting of transmission gears  
 105 with either a clutch or manual transmission or an automatic transmission.  
 106 5. Racing or revving of engines by manipulation of the accelerator, gas  
 107 pedal, or carburetor in applying fuel to the engine in a greater amount than  
 108 is necessary whether the vehicle is either in motion or standing still.  
 109 6. Operation of the vehicle by intentionally applying unnecessarily excessive  
 110 acceleration from a stationary position, or unnecessary, deliberate or  
 111 intentional bursts of acceleration while moving in a non-emergency  
 112 situation.

113 TABLE N  
 114 Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles

Type of Vehicle	Maximum Allowable Sound Pressure Level	Measurement Distance from Motor Vehicle
Motor vehicles weighing less than 10,000 pounds, manufacturers gross vehicle weight	82 dB (A)	25 feet
Motor vehicles weighing 10,000 pounds or more, manufacturers gross vehicle weight	90 dB (A)	50 feet

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 118 This ordinance is effective 90 days after adoption.  
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 121 \_\_\_\_\_  
 122 JOHN RHODES  
 123 MAYOR

124 ATTEST:

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 126 \_\_\_\_\_  
 127 JOAN GROVE, CITY CLERK

128 1st Reading: September 9, 2008  
 129 2nd Reading: