

## **Colorado Noise Related Statutes**

### **8-3-108 IIC What are unfair labor practices**

"Peaceable picketing" means simply, tranquil conduct, conduct devoid of **noise** or tumult, the absence of a quarrelsome demeanor, a course of conduct that does not violate or disturb the public peace.

### **8-3-109 What are not unfair labor practices**

However, picketing must be "peaceful", and "peaceful picketing" means simply, tranquil conduct, conduct devoid of **noise** or tumult, the absence of a quarrelsome demeanor, a course of conduct that does not violate or disturb the public peace. As a necessary corollary, boisterous conduct, the use of vile language, bellicose demeanor, threats, violence, coercion, intimidation, shouting and interference with the use of premises or impeding a public highway, as by mass picketing, which is the use of a large number of pickets, is not peaceable picketing, but is illegal picketing.

### **12-47-301 Licensing in general**

Denial of a license because of speculative reasons such as possible vandalism, **noise**, or disturbances, where it is obvious that these factors alone and not the required factors were the basis for the denial, is without legal justification.

### **18-9-106 Disorderly conduct**

c) Makes unreasonable **noise** in a public place or near a private residence that he has no right to occupy; or

### **24-65.1-202 Criteria for administration of areas of state interest**

(a) Areas around airports shall be administered so as to:

(I) Encourage land use patterns for housing and other local government needs that will separate uncontrollable **noise** sources from residential and other **noise**-sensitive areas; and

### **25-12-101 Legislative declaration**

The general assembly finds and declares that **noise** is a major source of environmental pollution which represents a threat to the serenity and quality of life in the state of Colorado. Excess noise often has an adverse physiological and psychological effect on human beings, thus contributing to an economic loss to the community. Accordingly, it is the policy of the general assembly to establish statewide standards for **noise** level limits for various time periods and areas. **Noise** in excess of the limits provided in this article constitutes a public nuisance.

### **25-12-102 Definitions**

As used in this article, unless the context otherwise requires

(1) "Commercial zone" means:

- (a) An area where offices, clinics, and the facilities needed to serve them are located;
- (b) An area with local shopping and service establishments located within walking distances of the residents served;
- (c) A tourist-oriented area where hotels, motels, and gasoline stations are located;

- (d) A large integrated regional shopping center;
  - (e) A business strip along a main street containing offices, retail businesses, and commercial enterprises;
  - (f) A central business district; or
  - (g) A commercially dominated area with multiple-unit dwellings.
- (2) "db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American national standards institute, publication S1.4 - 1971.
- (3) "Decibel" is a unit used to express the magnitude of a change in sound level. The difference in decibels between two sound pressure levels is twenty times the common logarithm of their ratio. In sound pressure measurements sound levels are defined as twenty times the common logarithm of the ratio of that sound pressure level to a reference level of  $2 \times 10^{-5}$  N/m<sup>2</sup> (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a one hundred percent increase or decrease in the sound level, and a ten-decibel change is a one thousand percent increase or decrease in the sound level
- (4)
- (a) "Industrial zone" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity but shall not include agricultural, horticultural, or floricultural operations
  - (b) Nothing in paragraph (a) of this subsection (4), as amended by House Bill 05-1180, as enacted at the first regular session of the sixty-fifth general assembly, shall be construed as changing the property tax classification of property owned by a horticultural or floricultural operation.
- (5) "Light industrial and commercial zone" means:
- (a) An area containing clean and quiet research laboratories;
  - (b) An area containing light industrial activities which are clean and quiet;
  - (c) An area containing warehousing; or
  - (d) An area in which other activities are conducted where the general environment is free from concentrated industrial activity
- (5.2) "Motorcycle" means a self-propelled vehicle with not more than three wheels in contact with the ground that is designed primarily for use on the public highways
- (5.4) "Motor vehicle" means a self-propelled vehicle with at least four wheels in contact with the ground that is designed primarily for use on the public highways
- (5.6) "Off-highway vehicle" means a self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways. "Off-highway vehicle" shall not include the following
- (a) Military vehicles;
  - (b) Golf carts;
  - (c) Snowmobiles
  - (d) Vehicles designed and used to carry persons with disabilities; and
  - (e) Vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes.
- (6) "Residential zone" means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple-unit dwellings, high-rise apartment districts, and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and

residential areas with limited office development, but it may not include retail shopping facilities. "Residential zone" includes hospitals, nursing homes, and similar institutional facilities

(7) "SAE J1287" means the J1287 stationary sound test or any successor test published by SAE international or any successor organization

(8) "SAE J2567" means the J2567 stationary sound test or any successor test published by SAE international or any successor organization

(9) "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways. "Snowmobile" shall not include machinery used strictly for the grooming of snowmobile trails or ski slopes

### 25-12-103 Maximum permissible noise levels

(1) Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone	Maximum Sound Level dB(A)	
	7 am to 7 pm	7pm to 7 am
Residential	55	50
Commercial	60	55
Light Industrial	70	65
Industrial	80	75

(2) In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in subsection (1) of this section may be increased by ten db(A) for a period of not to exceed fifteen minutes in any one-hour period.

(3) Periodic, impulsive, or shrill **noises** shall be considered a public nuisance when such noises are at a sound level of five db(A) less than those listed in subsection (1) of this section.

(4) This article is not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to **noise** control.

(5) Construction projects shall be subject to the maximum permissible **noise** levels specified for industrial zones for the period within which construction is to be completed pursuant to any applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for completion of project.

(6) All railroad rights-of-way shall be considered as industrial zones for the purposes of this article, and the operation of trains shall be subject to the maximum permissible **noise** levels specified for such zone.

(7) This article is not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the political subdivision or governmental agency having lawful jurisdiction to authorize such use.

(8) For the purposes of this article, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour.

(9) In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing **noise** of the environment from all sources at the time and place of such **sound level** measurement.

(10) This article is not applicable to the use of property for the purpose of manufacturing, maintaining, or grooming machine-made snow. This subsection (10) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate **noise** abatement.

(11) This article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays. This subsection (11) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate **noise** abatement.

(12)

(a) Notwithstanding subsection (1) of this section, the public utilities commission may determine, while reviewing utility applications for certificates of public convenience and necessity for electric transmission facilities, whether projected noise levels for electric transmission facilities are reasonable. Such determination shall take into account concerns raised by participants in the commission proceeding and the alternatives available to a utility to meet the need for electric transmission facilities. When applying, the utility shall provide notice of its application to all municipalities and counties where the proposed electric transmission facilities will be located. The public utilities commission shall afford the public an opportunity to participate in all proceedings in which permissible noise levels are established according to the "Public Utilities Law", articles 1 to 7 of title 40, C.R.S.

(b) Because of the statewide need for reliable electric service and the public benefit provided by electric transmission facilities, notwithstanding any other provision of law, no municipality or county may adopt an ordinance or resolution setting noise standards for electric transmission facilities that are more restrictive than this subsection (12). The owner or operator of an electric transmission facility shall not be liable in a civil action based upon noise emitted by electric transmission facilities that comply with this subsection (12).

(c) For the purposes of this section:

(I) "Electric transmission facility" means a power line or other facility that transmits electrical current and operates at a voltage level greater than or equal to 44 kilovolts.

(II) "Rights-of-way for electric transmission facilities" means all property rights and interests obtained by the owner or operator of an electric transmission facility for the purpose of constructing, maintaining, or operating the electric transmission facility.

### **25-12-104 Action to abate**

Whenever there is reason to believe that a nuisance exists, as defined in section 25-12-103, any county or resident of the state may maintain an action in equity in the district court of the judicial district in which the alleged nuisance exists to abate and prevent such nuisance and to perpetually enjoin the person conducting or maintaining the same and the owner, lessee, or agent of the building or place in or upon which such nuisance exists from directly or indirectly maintaining or permitting such nuisance. Notwithstanding any other provision of this section, a county shall not maintain an action pursuant to this section if the alleged nuisance involves a

mining operation or the development, extraction, or transportation of construction materials, as those terms are defined in section 34-32.5-103, C.R.S., a commercial activity, the commercial use of property, avalanche control activities, a farming or ranching activity, an activity of a utility, or a mining or oil and gas operation. When proceedings by injunction are instituted, such proceedings shall be conducted under the Colorado rules of civil procedure. The court may stay the effect of any order issued under this section for such time as is reasonably necessary for the compliance with the provisions of this article

### **25-12-105 Violation for injunction - penalty**

Any violation or disobedience of any injunction or order expressly provided for by section 25-12-104 shall be punished as a contempt of court by a fine of not less than one hundred dollars nor more than two thousand dollars. Each day in which an individual is in violation of the injunction established by the court shall constitute a separate offense. The court shall give consideration in any such case to the practical difficulties involved with respect to effecting compliance with the requirements of any order issued by the court.

### **25-12-106 Noise restrictions – sale of new vehicles**

(1) Except for such vehicles as are designed exclusively for racing purposes, no person shall sell or offer for sale a new motor vehicle that produces a maximum noise exceeding the following noise limits, at a distance of fifty feet from the center of the lane of travel, under test procedures established by the department of revenue:

- (a) Any motorcycle manufactured on or after July 1, 1971, and before January 1, 1973 88 dB(A);
- (b) Any motorcycle manufactured on or after January 1, 1973 86 dB(A);
- (c) Any motor vehicle with a gross vehicle weight rating of six thousand pounds or more manufactured on or after July 1, 1971, and before January 1, 1973 88 dB(A);
- (d) Any motor vehicle with a gross vehicle weight rating of six thousand pounds or more manufactured on or after January 1, 1973 86 dB(A);
- (e) Any other motor vehicle manufactured on or after January 1, 1968, and before January 1, 1973 86 dB(A);
- (f) Any other motor vehicle manufactured after January 1, 1973 84 dB(A);
- (g) Deleted

(2) Test procedures for compliance with this section shall be established by the department, taking into consideration the test procedures of the society of automotive engineers.

(3) Any person selling or offering for sale a motor vehicle or other vehicle in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars

### **25-12-107 Powers of local authorities**

(1) Counties or municipalities may adopt resolutions or ordinances prohibiting the operation of motor vehicles within their respective jurisdictions that produce **noise** in excess of the sound levels in decibels, measured on the "A" scale on a standard sound level meter having characteristics established by the American national standards institute, publication S1.4 - 1971, and measured at a distance of fifty feet from the center of the lane of travel and within the speed limits specified in this section:

a) Any motor vehicle with a manufacturer's gross vehicle weight rating of six thousand pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle other than a low-power scooter:	Speed Limit of 35 mph or less	Speed limit of more than 35 mph but less than 55 mph
Before January 1, 1973	88 dB(A)	90 dB(A)
After January 1, 1973	86 dB(A)	90 dB(A)

(2) The governing board shall adopt resolutions establishing any test procedures deemed necessary.

(3) This section applies to the total noise from a vehicle or combination of vehicles.

(4) For the purpose of this section, a truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of six thousand pounds or more if the unladen weight is more than five thousand pounds

**25-12-108 Preemption**

Except as provided in sections 25-12-103 (12) and 25-12-110, this article shall not be construed to preempt or limit the authority of any municipality or county to adopt standards that are no less restrictive than the provisions of this article.

**25-12-109 Exception – sport shooting ranges – legislative declaration – definitions**

(1) The general assembly hereby finds, determines, and declares that the imposition of inconsistent, outdated, and unnecessary **noise** restrictions on qualifying sport shooting ranges that meet specific, designated qualifications work to the detriment of the public health, welfare, and morale as well as to the detriment of the economic well-being of the state. The general assembly further finds, determines, and declares that a need exists for statewide uniformity with respect to exempting qualifying shooting ranges from the enforcement of laws, ordinances, rules, and orders regulating **noise**. As the gain associated with having a uniform statewide exemption for qualifying sport shooting ranges outweighs any gains associated with enforcing noise regulations against such ranges, the general assembly further declares that the provisions of this section, as enacted, are a matter of statewide concern and preempt any provisions of any law, ordinance, rule, or order to the contrary.

(2) As used in this section, unless the context otherwise requires

(a) "Local government" means any county, city, city and county, town, or any governmental entity, board, council, or committee operating under the authority of any county, city, city and county, or town.

(b) "Local government official" means any elected, appointed, or employed individual or group of individuals acting on behalf of or exercising the authority of any local government.

(c) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(d) "Qualifying sport shooting range" or "qualifying range" means any public or private establishment, whether operating for profit or not for profit, that operates an area for the discharge or other use of firearms or other equipment for silhouette, skeet, trap, black powder, target, self-defense, recreational or competitive shooting, or professional training.

(3) Notwithstanding any other law or municipal or county ordinance, rule, or order regulating noise to the contrary

(a) A local governmental official may not commence a civil action nor seek a criminal penalty against a qualifying sport shooting range or its owners or operators on the grounds of **noise** emanating from such range that results from the normal operation or use of the qualifying shooting range except upon a written complaint from a resident of the jurisdiction in which the range is located. The complaint shall state the name and address of the complainant, how long the complainant has resided at the address indicated, the times and dates on which the alleged excessive **noise** occurred, and such other information as the local government may require. The local government shall not proceed to seek a criminal penalty or pursue a civil action against a qualifying sport shooting range on the basis of such a **noise** complaint if the complainant established residence within the jurisdiction after January 1, 1985

(b) No person may bring any suit in law or equity or any other claim for relief against a qualifying sport shooting range located in the vicinity of the person's property or against the owners or operators of such range on the grounds of **noise** emanating from the range if

(I) The qualifying range was established before the person acquired the property;

(II) The qualifying range complies with all laws, ordinances, rules, or orders regulating noise that applied to the range and its operation at the time of its construction or initial operation.

(III) No law, ordinance, rule, or order regulating noise applied to the qualifying range at the time of its construction or initial operation.

### **25-12-110 Off highway vehicles**

(1) An off-highway vehicle operated within the state shall not emit more than the following level of sound when measured using SAE J1287

(a) If manufactured before January 1, 1998 99 db(A);

(b) If manufactured on or after January 1, 1998 96 db(A).

(2) A snowmobile shall not emit more than the following level of sound when measured using SAE J2567:

(a) If manufactured on or after July 1, 1972, and before July 2, 1975 90 db(A);

(b) If manufactured on or after July 2, 1975 88 db(A).

(3)

(a) A person shall not sell or offer to sell a new off-highway vehicle that emits a level of sound in excess of that prohibited by subsection (1) of this section unless the off-highway vehicle complies with federal noise emission standards. A person shall not sell or offer to sell a new snowmobile that emits a level of sound in excess of that prohibited by subsection (2) of this section unless the snowmobile complies with federal noise emission standards.

(b) For the purposes of this section, a "new" snowmobile or off-highway vehicle means a snowmobile or off-highway vehicle that has not been transferred on a manufacturer's statement of origin and for which an ownership registration card has not been submitted by the original owner to the manufacturer.

(4) This section shall not apply to the following

(a) A vehicle designed or modified for and used in closed-circuit, off-highway vehicle competition facilities.

- (b) An off-highway vehicle used in an emergency to search for or rescue a person; and
- c) An off-highway vehicle while in use for agricultural purposes.
- (5) A person who violates this section commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars
- (6) No municipality or county may adopt an ordinance or resolution setting noise standards for off-highway vehicles or snowmobiles that are more restrictive than this section.
- (7)
  - (a) Nothing in this section shall be construed to modify the authority granted in section 25-12-103.
  - (b) Nothing in this section shall be construed to authorize the test to produce a less restrictive standard than the J1287 stationary sound test or the J2567 stationary sound test published by SAE international or any successor organization.
- (8) The following shall be an affirmative defense to a violation under this section if the off-highway vehicle or snowmobile:
  - (a) Was manufactured before January 1, 2005;
  - (b) Complied with federal and state law when purchased;
  - (c) Has not been modified from the manufacturer's original equipment specifications or to exceed the sound limits imposed by subsection (1) or (2) of this section; and
  - (d) Does not have a malfunctioning exhaust system.

**29-1-1203 Applicability to other local laws**

This part 12 shall not be construed to affect the enactment or enforcement of laws generally regulating traffic, parking, excessive **noise**, or other adverse conditions affecting the health, welfare, and safety of citizens of a local government.

**29-20-105.6 Notification to military installations by local governments of land use change – legislative declaration – definitions**

- (1) The general assembly hereby finds, determines, and declares that it is desirable for local governments in the state to cooperate with military installations located within the state in order to encourage compatible land use, help prevent incompatible urban encroachment upon military installations, and facilitate the continued presence of major military installations within the state
- (2) - (3)
- (4) Upon submission of the information required to be provided pursuant to subsection (3) of this section, the military installation shall have fourteen business days within which to review the information and submit comments to the local government on the impact the proposed changes may have on the mission of the military installation. Such comments may include:
  - (a) If the military installation has an airfield, whether the proposed changes will be compatible with the safety and **noise** standards contained in the air installation compatible use zone recommended by United States department of defense instruction 4165.57 for that airfield;
  - (b) Whether the proposed changes are compatible with the installation environmental **noise** management program of the military installation;
- 5) – (6)

**30-11-104 County buildings – acquisition of land or buildings by eminent domain authorized**

(1)

(a) Each county, at its own expense, shall provide a suitable courthouse, a sufficient jail, and other necessary county buildings and keep them in repair.

(b) For any penal institution that begins operations on or after August 30, 1999, that is operated by or under contract with a county, the county may establish standards relating to space requirements, furnishing requirements, required special use areas or special management housing, and environmental condition requirements, including but not limited to standards pertaining to light, ventilation, temperature, and **noise** level. If a county does not adopt standards pursuant to this paragraph (b), the penal institution operated by or under contract with the county shall be subject to the standards adopted by the department of public health and environment pursuant to section 25-1.5-101 (1) (i), C.R.S. In establishing such standards, the county is strongly encouraged to consult with national associations that specialize in policies relating to correctional institutions

**30-15-401 General regulations**

(1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern which are described in the following enumerated powers:

(a) – (l)

(m)

(I) In addition to the authority given counties in article 12 of title 25, C.R.S., to enact ordinances which regulate **noise** on public and private property except as provided in subparagraph (II) of this paragraph (m); prohibit the operation of any vehicle that is not equipped with a **muffler** in constant operation and is not properly maintained to prevent an increase in the noise emitted by the vehicle above the noise emitted when the muffler was originally installed; and prohibit the operation of any vehicle having a muffler that has been equipped or modified with a cutoff and bypass or any similar device or modification. For the purposes of this paragraph (m), "vehicle" shall have the same meaning as that set forth in section 42-1-102 (112), C.R.S

(II) Ordinances enacted to regulate noise on public and private property pursuant to subparagraph (I) of this paragraph (m) shall not apply to:

(A) Property used for purposes which are exempt, pursuant to section 25-12-103, C.R.S., from **noise** abatement; and

(B) Property used for: Manufacturing, industrial, or commercial business purposes; public utilities regulated pursuant to title 40, C.R.S.; and oil and gas production subject to the provisions of article 60 of title 34, C.R.S.

**33-13-108 Prohibited vessel operations**

(1) (a) No person shall operate or give permission for the operation of a vessel:

(II) Which emits **noise** in excess of the permissible level established in standards promulgated by the board in accordance with article 4 of title 24, C.R.S

#### **42-1-302 Legislative declaration**

(1) The general assembly hereby finds and declares that:

(a) – (b)

(c) Long-duration idling of truck engines annually consumes over one billion gallons of diesel fuel and annually emits eleven million tons of carbon dioxide, two hundred thousand tons of oxides of nitrogen, and five thousand tons of particulate matter into the air. Idling can increase engine maintenance costs, shorten engine life, adversely affect driver well-being, and create elevated **noise** levels

#### **42-4-213 Audible and visual signals on emergency vehicles**

(1) Except as otherwise provided in this section or in section 42-4-222 in the case of volunteer fire vehicles and volunteer ambulances, every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this article, be equipped as a minimum with a **siren and a horn**. Such devices shall be capable of emitting a sound audible under normal conditions from a distance of not less than five hundred feet

#### **42-4-224 Horns or warning devices**

(1) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an **unreasonably loud or harsh sound**, except as provided in section 42-4-213 (1) in the case of authorized emergency vehicles or as provided in section 42-4-222. The driver of a motor vehicle, when reasonably necessary to ensure safe operation, shall give audible warning with the horn but shall not otherwise use such horn when upon a highway

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any audible device except as otherwise permitted in this section. It is permissible but not required that any vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as a warning signal unless the alarm device is a required part of the vehicle. Nothing in this section is meant to preclude the use of audible warning devices that are activated when the vehicle is backing. Any authorized emergency vehicle may be equipped with an audible signal device under section 42-4-213 (1), but such device shall not be used except when such vehicle is operated in response to an emergency call or in the actual pursuit of a suspected violator of the law or for other special purposes, including, but not limited to, funerals, parades, and the escorting of dignitaries. Such device shall not be used for such special purposes unless the circumstances would not lead a reasonable person to believe that such vehicle is responding to an actual emergency.

(3) No bicycle, electrical assisted bicycle, or low-power scooter shall be equipped with nor shall any person use upon such vehicle a **siren or whistle**.

#### **42-4-225 Mufflers – prevention of noise**

(1) Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-off, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that

emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all of the requirements of this section.

(1.5) Any commercial vehicle, as defined in section 42-4-235 (1) (a), subject to registration and operated on a highway, that is equipped with an engine compression brake device is required to have a muffler

(2) A muffler is a device consisting of a series of chamber or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise

(3) Any person who violates subsection (1) of this section commits a class B traffic infraction. Any person who violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of five hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5) (a), C.R.S.

(4) This section shall not apply to electric motor vehicles.