

## CHAPTER 8

# MOTORIZED VEHICLE OPERATION

### SECTION:

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9-8-1:                   **RESTRICTION ON USE:** It shall be unlawful for any person to operate or permit the operation of any automobile, truck, tractor, motorcycle, snowmobile, all-terrain vehicle, go-cart or other motorized vehicle on any park, ballpark, playground, tennis court or school ground, including walkways and adjacent parking areas, located within the corporate limits of the City of Shelley, Bingham County, Idaho, except where the use of such vehicles is authorized for the maintenance and care of those areas or the walkways and parking areas adjacent thereto. Any person who violates the provisions of this section shall be guilty of an infraction.

9-8-2:                   **LOUD AND EXCESSIVE NOISES - PURPOSE:**

- (A)   The making and creation of loud, unnecessary or disturbing noises within the limits of the City is a condition which has existed for some time and the extent and volume of such noises is increasing.
- (B)   The making, creation or maintenance of such loud, unnecessary and/or disturbing noises are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the City.
- (C)   The necessity for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination to be in the public interest and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of the City and its inhabitants.

9-8-3:                   **UNLAWFUL NOISES:** It shall be unlawful for any person to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health,

peace or safety of others, within the limits of the City.

9-8-4: DEFINITION: "Loud excessive or disturbing noise" as used in this ordinance includes, but is not limited to, any sound made by a passenger motor vehicle or a motorcycle at any time under any condition of grade, speed, acceleration or deceleration, which exceeds ninety-two (92) decibels, or, any lower decibel level that is fixed by law or the rules and regulations regularly adopted by the Idaho Air Pollution Control Commission, on the A scale of a general radio company No. 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty feet (20') to the side of such vehicle or motorcycle as such vehicle or motorcycle passes the soundmeter or is stationed not less than twenty feet (20') from a stationary motor or engine.

9-8-5: EQUIPMENT FOR MOTOR VEHICLES:

- (A) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on any street or roadway within the City.
- (B) The engine and power mechanism of every motor vehicle operated within said City shall be so equipped and adjusted as to prevent the escape of excessive fumes, smoke or noise.
- (C) No person shall modify the exhaust system of a motor vehicle or a motorcycle in a manner which will amplify or increase the noise of such vehicle or motorcycle above that emitted by the muffler originally installed on the vehicle by the manufacturer.

9-8-6: PRIMA FACIE EVIDENCE; VEHICLES: A showing that motorcycle exceeds the maximum allowable decibel level as established in Section 9-8-3 hereof shall be prima facie evidence of a violation of this ordinance.

9-8-7: PENALTY: Any person who violates any provision of this ordinance, or operates a motor vehicle in violation hereof, shall be guilty of an infraction under the definition of infraction in the Idaho Code and punishable by a penalty not exceeding \$100.00.