ORDINANCE 17-19

AN ORDINANCE RELATING TO NOISE PROHIBITIONS AND LIMITED SOUND SOURCES

BE IT ORDAINED BY THE CITY OF MARION, IOWA:

Section 1. Chapter 53, Section 53.02 of the Code of Ordinances is amended by deleting subparagraphs 1, 2, 3, and 4 and inserting in lieu thereof the following:

1. No person shall perform, create, cause or permit a radio, television set, musical instrument or any other device to produce, reproduce or amplify sound to create a noise which is audible at a distance of two hundred (200) feet from such device when operated on or in a motor vehicle.

2. No person shall operate a motor vehicle radio or other equipment to emit sound through a motor vehicle radio or other sound system if the sound emitted is plainly audible for more than two hundred (200) feet from the vehicle.

3. Every motor vehicle must at all times be equipped with a muffler and exhaust system in good working order and in constant operation to prevent excessive noise or annoying smoke.

4. The following constitutes evidence of rebuttable presumption of a violation of this section:

   a. The use of a muffler cutout, bypass, non-original equipment exhaust system without a muffler, or other similar device upon a motor vehicle upon a street;

   b. Equipment marked with either “off road use” or “not for street use”;

   c. Excessive revving and/or acceleration which can be heard at a distance of at least 200 feet (200’); or

   d. The operation of a vehicle making excessive noise so as to be audible at a distance of at least two hundred (200) feet from the motor vehicle.
Section 2. Chapter 53, Section 53.03 of the Code of Ordinances is amended by deleting the current paragraph and inserting the following:

53.03 ENFORCEMENT.

1. The provisions of this chapter which prohibit the making, continuing, or causing the making or continuance of a noise disturbance shall be enforced only upon receipt of a complaint made or filed with City officials by a person disturbed by such noise disturbance, with the exception of violations of Section 53.02(1), (2), (3), and (4). Certification by an official charged with enforcement of the provisions of this chapter that such complaint was made shall be sufficient to establish a rebuttable presumption that a violation of this statute has occurred.

2. Peace officers may enforce violations of Section 53.02(1), (2), (3), or (4) of this chapter without necessity of such complaint. The following scheduled fines are fixed for violations of Section 53.02(1), (2), (3) or (4):

   a. Each Offense $25.00

Section 3. The remainder of Chapter 53, “Noise and Noise Limits” shall remain unchanged.

Section 4. All ordinances and or parts of ordinances in conflict herewith are repealed.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

Passed and approved this 17 day of August, 2017.

Nicolas AbouAssaly, Mayor
ATTEST:

I, Wesley A. Nelson, City Clerk of the City of Marion, Iowa hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE
The undersigned City Clerk of Marion, Iowa certifies that the _Ordinance_ shown immediately above was published in the _Marion Times_ on the 31st day of _August_ 2017.

Wes Nelson, City Clerk