

Chapter 10-20

PROHIBITING LOUD AMPLIFICATION DEVICES UPON OR WITHIN MOTOR VEHICLES

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Section 10-20-01 PURPOSE

The purpose of this Ordinance is the protection of the health, safety, and welfare of the citizens of Boise. It is determined that sound can and does constitute a hazard to the health, safety, welfare, and quality of life of residents of the city. The Mayor and Council, by way of Idaho Code Section 50-308 are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effects thereof. Now, therefore, it is hereafter the policy of this city to prevent and regulate sound generated by loud amplification devices which are situated upon or within motor vehicles wherever it is deemed to be harmful to the health, safety, welfare, or quality of life of the citizens of the city, and this Ordinance shall be liberally construed to effectuate that purpose.

(5788, Added, 03/18/1997)

Section 10-20-02 NOISE PROHIBITIONS

It shall be unlawful for any person to operate or permit the operation of any loud amplification device upon or within a motor vehicle in such a manner that the sound therefrom is plainly audible upon a public right-of-way or street at a distance of fifty (50) feet or more from the source of such sound.

(5788, Added, 03/18/1997)

Section 10-20-03 ENFORCEMENT

- A. Peace officer citation. Any Boise City peace officer or person empowered to enforce this provision of the Boise City Code is authorized to issue a uniform citation upon his own observation of a violation without the necessity of a citizen complainant's signature on said citation. By signing the citation officer or person is certifying that he has reasonable grounds to believe that the person cited committed the offense contrary to law.

- B. Citizen citation. A uniform citation may also be signed by any

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citizen or person in whose presence an alleged violation of this Ordinance occurred and be witnessed by a Boise City peace officer or person empowered to enforce this provision of the Boise City Code whose name shall be endorsed on the citation.

(5788, Added, 03/18/1997)

Section 10-20-04 ORDINANCE ADDITIONAL TO OTHER LAW

The provisions of this Ordinance shall be cumulative and nonexclusive and shall not effect any other claim, cause of action, or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend, or modify any law, ordinance, or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

(5788, Added, 03/18/1997)

Section 10-20-05 EXEMPTIONS

The following sounds are exempted from the provisions of this Ordinance:

- A. Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.
- B. Sounds caused by activities upon any outdoor municipal, school, religious, or publicly owned property or facility, provided that such activity has been authorized by the owner of such property or facility or its agent.
- C. Sounds caused by parades, fireworks displays, or any other event for which a permit for that type of activity is required and has been obtained from the authorized governmental entity, within such hours as may be imposed as a condition for the issuance of said permit.
- D. Sounds caused by locomotives or other railroad equipment.
- E. Sounds caused by burglar alarms that are not in violation of Boise City Code.
- F. Sounds caused by safety warning devices required by law.
- G. Sounds caused by devices approved for use within the confines of the particular zoning designation that the device is located or pursuant to a conditional use permit (i.e. drive-thru window speakers, car lot p.a. systems).
- H. Sounds emanating from devices used within the common areas of a multi-unit facility whose use has been approved by the owners or management of the facility. Said use must be in compliance with any regulations imposed by the owners or management of the

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facility to be exempt under this ordinance. This exemption only applies in relation to other units within the same facility.
(5788, Added, 03/18/1997)

Section 10-20-06 PENALTY

Any person who shall violate any of the terms or provisions of this Chapter shall be guilty of an infraction and shall be punishable by a fine of One Hundred Dollars (\$100.00) excluding court costs and fees. There is no right to a trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.

(5788, Added, 03/18/1997)

Section 10-20-07 FAILURE TO PAY PENALTY

Suspension of License. If a defendant fails to pay a traffic infraction penalty, (1) within the time allowed by a Notice of Default Judgment, or (2) within the time allowed by a Deferred Payment Agreement, or (3) within such further time as allowed by order of the court; then, unless the court makes a finding that the defendant has shown that the defendant has complete and continuing financial inability to pay the penalty, the court shall sign a notice of nonpayment of penalty and send it to the Idaho Department of Transportation for suspension of defendant's driver's license as provided by law.

(5788, Added, 03/18/1997)

Section 10-20-08 SEVERABILITY

If any provision or section of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

(5788, Added, 03/18/1997)