

ORDINANCE 260

AN ORDINANCE AMENDING THE MEDIAPOLIS MUNICIPAL CODE BY ADDING PROVISIONS PERTAINING TO ENGINE BRAKE NOISE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEDIAPOLIS,
IOWA:

SECTION 1. SECTION ADDED. Chapter 12 of the Mediapolis City Code is hereby amended by adding the following:

10.12.030. ENGINE BRAKING SYSTEMS CREATING EXCESSIVE NOISE
PROHIBITED.

A. It shall be unlawful for the driver of any vehicle to use or operate within the City of Mediapolis any mechanical exhaust device, engine brake, compression brake or similar device that results in excessive, loud or unusual noise from such vehicle.

B. Evidence that the noise from the operation of such device is audible at a distance of three hundred (300) feet from the motor vehicle is *prima facie* evidence of a violation, subject to fine as determined by a simple misdemeanor.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part thereof of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED, APPROVED and ADOPTED on the 3rd day of October, 2005.

Larry Flaherty, Mayor

ATTEST:

Julia Tribbey, City Clerk

1st reading 9-1-05_____

2nd reading 9-19-05_____

3rd reading 10-3-05_____