

(2) That the location cannot feasibly be serviced during permitted hours, and that the variance is the least necessary to permit trash removal while still assuring nearby residents reasonable nocturnal quiet.

7-3-4 Adequate Muffling of Noise Required.

(a) Every motor vehicle or moped driven upon a street and propelled by a combustion engine shall be equipped with a muffler and exhaust system in constant operation and properly maintained to prevent any noise:

(1) In excess of that emitted by the exhaust system of such vehicle as originally installed by the manufacturer of such vehicle; or

(2) That is excessive or unusual.

(b) No motor vehicle or moped driven on a street shall be equipped with any muffler cut off or bypass.

(c) No motor vehicle or moped driven on a street shall emit sound in excess of that allowed in chapter 5-9, "Noise," B.R.C. 1981.

(d) No person shall own and no person shall drive any motor vehicle or moped that is in violation of any of the provisions of this section.

6-1-19 Barking, Howling, or Other Unreasonable Animal Noise Prohibited.

(a) No person owning or keeping any animal shall fail to prevent such animal from disturbing the peace of any other person by loud and persistent or loud and habitual barking, howling, yelping, braying, whinnying, crowing, calling, or making any other loud and persistent or loud and habitual noise, whether the animal is on or off the guardian's or keeper's premises.

(b) No person shall be charged with violating this section unless a written warning was given to the person by an agent or employee of the city within twelve months preceding the first date alleged as a date of violation in the complaint. Such warning is sufficient if it recites subsection (a) of this section and states that a complaint has been received that an animal of which the defendant is a guardian or keeper is disturbing the peace of an individual. A warning is given under this subsection if it is personally given to the person owning or keeping the animal or if it is mailed first class to such person. The city manager shall keep records of all warnings given, and such records are prima facie evidence that such warnings were given.

(c) No person shall be convicted at trial of violating this section unless two or more witnesses testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness on this element.

(d) The provisions of subsections (b) and (c) of this section do not apply when the animal is a cat and it is proven beyond a reasonable doubt that the cat was off the premises of its guardian or keeper at the time of the disturbance.