

Idaho Noise Related Statutes

CHAPTER 9 VEHICLE EQUIPMENT

49-937.MUFFLERS, PREVENTION OF NOISE.

(1) 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 a highway. When any motor vehicle was originally equipped with a noise suppressing system or when any motor vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect any part of that system except temporarily in order to make repairs, replacements or adjustments, and no person shall modify or alter that system or its operation in any manner, except to conform to the manufacturer's specifications. No person shall knowingly operate and no owner shall knowingly cause or permit to be operated any motor vehicle originally equipped or required by any law or regulation of the state or the federal government to be equipped with a noise suppressing system while any part of that system is disconnected or while that system or its operation is modified or altered in any manner, except to conform to the manufacturer's specifications.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(3) 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 the vehicle or motorcycle above that emitted by the muffler originally installed on the vehicle by the manufacturer.

(4) A showing that the sound made by a passenger motor vehicle or motorcycle exceeds the maximum allowable decibel level shall be prima facie evidence of a violation of subsection (1) of this section.

(5) No person shall sell, offer for sale, or install any noise suppressing system or device which will produce excessive or unusual noise.

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CHAPTER 26 SPORT SHOOTING RANGES

55-2601.SPORT SHOOTING RANGE -- LIABILITY FOR NOISE POLLUTION.

(1) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was established, constructed or operated prior to the implementation of any noise control laws, ordinances, rules or regulations, or if the range is in compliance with any noise control laws, ordinances, rules or regulations that applied to the range and its operation at the time of establishment, construction or initial operation of the range subject to the limitations in section 55-2605, Idaho Code.

(2) Rules or regulations adopted by a state or local department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

(3) A municipal noise control ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance.

55-2602.SPORT SHOOTING RANGE -- NUISANCE ACTION -- LIMITATIONS.

(1) Except as provided in this section, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three (3) years from the beginning of the substantial change.

(2) A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range only if the action is brought within five (5) years after establishment of the range or three (3) years after a substantial change in use of the range.

(3) If there has been no shooting activity at a range for a period of three (3) years, resumption of shooting is considered establishment of a new shooting range for purposes of this section.

55-2604.DEFINITIONS.

As used in this act:

(1) "Local unit of government" means a county, city or a town.

(2) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(3) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting.

(4) "Outdoor sport shooting range" means any range described in subsection (3) of this section, including any range operated exclusively for the use of law enforcement, with the exception of:

(a) Any totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floors, and ceilings, adequate ventilation, lighting systems and acoustical treatment for sound attenuation; or

(b) Any range described in chapter 91, title 67, Idaho Code.

(5) "Substantial change in use" means that the current primary use of the range no longer represents the activity previously engaged in at the range. The following actions shall not constitute a substantial change in use:

(a) Expanding or increasing membership or opportunities for public or law enforcement participation related to the primary activity as a shooting range;

(b) Making repairs or improvements to enhance safety or noise abatement;

(c) Increasing events and activities related to the primary activity as a shooting range;

(d) Acquiring additional lands to be used for buffer zones or noise mitigation efforts;

(e) Establishing or expanding range use hours between 7:00 a.m. and 10:00 p.m.;

(f) Establishing or expanding law enforcement agency range use hours between 10:00 p.m. and 7:00 a.m.

55-2605.PREEMPTION OF LOCAL AUTHORITY--NOISE STANDARDS –ZONING.

Local governmental law is herein preempted and local governments shall not have authority to establish or enforce noise standards for outdoor sport shooting ranges, not otherwise exempted from local regulation by this chapter, more restrictive than any standards established for state outdoor shooting ranges in chapter 91, title 67, Idaho Code, nor shall a local government have the authority to make any action described in section 55-2604(5), Idaho Code, a violation of a local zoning ordinance nor shall the undertaking of any such action cause an outdoor sport shooting range to be in violation of any zoning ordinance.

**CHAPTER 71
RECREATIONAL ACTIVITIES**

67-7125.NOISE ABATEMENT.

(1) Except as hereinafter provided, every vehicle subject to registration under section 67-7122, Idaho Code, shall comply with the provisions of this section. Every vehicle subject to the provisions of this section shall at all times be equipped with an exhaust system in good working order and in constant operation. If the vehicle was originally equipped with a noise suppressing system or if the vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect, modify or alter any part of that system in any manner which will amplify or increase the vehicle's noise emission above the noise limits established in subsection (3) of this section, except temporarily in order to make repairs, replacements or adjustments. No person shall operate and no owner shall cause or permit to be operated any vehicle while the vehicle's noise emission exceeds the noise limits established in subsection (3) of this section or while the vehicle's noise suppressing system is disconnected, modified or altered in violation of the provisions of this section.

(2) No person shall operate a vehicle subject to the provisions of this section unless that vehicle is equipped with a spark arrester device, affixed to the exhaust system, of a type qualified and rated by the United States forest service. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner.

(3) Any vehicle subject to the provisions of this section shall at all times be equipped with a noise suppressing system or other device which limits noise emission to a base level of not more than ninety-six (96) decibels when measured on the "A" scale using standards and procedures established by the society of automotive engineers (SAE), specifically SAE standard J1287, June, 1988, describing a test of a stationary vehicle with sound measured twenty (20) inches and forty-five (45) degrees from the exhaust outlet, or as otherwise described. The provisions of this subsection shall not apply to vehicles being operated off the highway in an organized racing or competitive event which is conducted on private land with the consent of the landowner or on public land under permit.

(a) The department shall adopt regulations in accordance with chapter 52, title 67, Idaho Code, establishing the test procedures and instrumentation to be utilized. These procedures shall incorporate requirements for the test site environment and sound measuring equipment as set forth in SAE standard J1287, June, 1988.

(b) Instrumentation shall include but not be limited to a sound level meter meeting the type 1, type S1A, type 2, or type S2A requirements of the American national standards

institute (ANSI) specification for sound level meters, S1.4-1983; a sound level calibrator, microphone wind screen, external engine speed tachometer.

(4) A showing that the noise emission level of any vehicle subject to and not otherwise exempt from the provisions of this section exceeds ninety-six (96) decibels, as described and tested in subsection (3) of this section, shall be prima facie evidence of a violation of subsection (1) of this section.

CHAPTER 91

IDAHO OUTDOOR SPORT SHOOTING RANGE ACT

67-9101.DEFINITIONS.

As used in this chapter:

(1) "Local government" means a county, city or town.

(2) "Person" means an individual, corporation, partnership, firm, association, joint venture, proprietorship, club or any other legal entity.

(3) "State outdoor sport shooting range" or "range" means an area owned by the state of Idaho or a state agency for the public use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery or any other similar sport shooting. "State outdoor sport shooting range" does not include:

(a) Any totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floors and ceilings, adequate ventilation, lighting systems and acoustical treatment for sound attenuation; and

(b) Any law enforcement or military shooting range.

67-9102.STATE OUTDOOR SPORT SHOOTING RANGES-OPERATION AND USE-NOISE STANDARDS--MEASUREMENT.

(1) The state agencies responsible for managing state outdoor sport shooting ranges shall establish criteria for the operation and use for each range. The provisions of chapter 26, title 55, Idaho Code, shall not apply to state outdoor sport shooting ranges.

(2) The legislature finds that state outdoor sport shooting ranges should be subject to uniform noise standards as specified in this section.

(3) The noise emitted from a state outdoor sport shooting range shall not exceed an Leq(h) of sixty-four (64) dBA.

(4) Sound pressure measurements shall be made twenty (20) feet from the nearest existing occupied residence, school, hotel, motel, hospital or church and in a location directly between the range and the nearest existing occupied residence, school, hotel, motel, hospital or church. If there are natural or artificial obstructions that prevent an accurate noise measurement, the measurement may be taken within an additional twenty (20) feet radius from the initial measurement location. If access to such location is not available, then sound pressure measurements shall be made at the range property line in a location directly between the range and the nearest existing occupied residence, school, hotel, motel, hospital or church.

(5) Sound pressure measurements shall be made on the A-weighted fast response mode scale. Measurements shall be taken during the noisiest hour of peak use during the operation of the range. Measurements shall be taken using a type 1 sound meter meeting the requirements of ANSI S1.4-1983.

(6) For the purposes of this section:

(a) "A-weighted" means a frequency weighting network used to account for changes in sensitivity as a function of frequency;

(b) "dBA" means A-weighted decibels, taking into account human response to sound energy in different frequency bands;

(c) "Decibel" means the unit of measure for sound pressure denoting the ratio between two quantities that are proportional to power. The number of decibels is ten (10) times the base ten logarithm of this ratio; and

(d) "Leq(h)" means the equivalent energy level that is the steady state level that contains the same amount of sound energy as a time varying sound level for a sixty (60) minute time period.

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67-9103. NUISANCE ACTION.

Notwithstanding any other provision of law to the contrary, a person may not maintain a public or private nuisance action for noise against a state outdoor sport shooting range that is in compliance with this chapter.

67-9104. NOISE BUFFERING OR ATTENUATION FOR NEW USE.

Any new residential use or other new use within one (1) mile of an existing state outdoor sport shooting range shall provide for noise buffers or attenuation devices necessary to satisfy the noise standard prescribed by this chapter. New use as provided by this section shall not give rise to any right of a person to maintain a public or private nuisance action for noise against an existing state outdoor sport shooting range.

67-9105. PREEMPTION OF LOCAL AUTHORITY.

Local governmental law is herein preempted and local governments shall not have authority to regulate the operation and use of state outdoor sport shooting ranges nor shall they have authority to establish noise standards for state outdoor sport shooting ranges.

CHAPTER 70

IDAHO SAFE BOATING ACT

67-7038. MUFFLERS AND NOISE RESTRICTIONS.

(1) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on the waters of the state of Idaho unless the motorboat shall at all times be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

(2) For the purposes of this section, "muffler" shall mean a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise.

(3) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on the waters of the state of Idaho in such a manner as to exceed the following noise levels:

(a) For motorboats manufactured before January 1, 1995, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005;

- (b) For motorboats manufactured on or after January 1, 1995, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005.
- (4) It shall be unlawful for any person to operate, or permit the operation of, any motorboat on any lake or reservoir of the state of Idaho, which is more than five hundred (500) feet in width, in such a manner as to exceed a noise level of 75dB(A) measured as specified in SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.
- (5) No person shall operate, or give permission for the operation of, any motorboat on the waters of the state of Idaho that is equipped with an altered muffler or a muffler cutout, bypass or other device designed or so installed so that it can be used to continually or intermittently bypass or otherwise reduce or eliminate the effectiveness of any muffler or muffler system installed in accordance with the provisions of this section.
- (6) No person shall remove, alter or otherwise modify in any way a muffler or muffler system in a manner which will prevent it from being operated in accordance with the provisions of this section.
- (7) Effective January 1, 1995, a person shall not manufacture, sell or offer for sale any motorboat unless it is equipped with a muffler or muffler system which does comply with subsection (3) of this section. This subsection shall not apply to motorboats designed, manufactured and sold for the sole purpose of competing in racing events and for no other purpose.
- (8) The provisions of this section shall not apply to motorboats registered and actually participating in an authorized marine event, or to a motorboat being operated by a boat or engine manufacturer for the sole purpose of testing and/or development.
- (9) Any peace officer who has reason to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. If such motorboat exceeds the decibel levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation, including returning the motorboat to a mooring and keeping the motorboat at such mooring until the violation is corrected or ceases.