

ORDINANCE NO. 872

**AN ORDINANCE OF THE RED LODGE CITY COUNCIL TO ADOPT AN EXHIBITION DRIVING OFFENSE TO BE INCORPORATED IN THE CITY'S MOTOR VEHICLE OFFENSES.**

**WHEREAS:** The City Council previously adopted MCA Title 61 to govern the operation of motor vehicles within the City of Red Lodge; and

**WHEREAS:** MCA Title 61 does not include the traffic offense of Exhibition Driving, which the City Council has identified as necessary for the peace and welfare of the citizens of Red Lodge.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA THE FOLLOWING IS ADOPTED AS AN ADDITION TO THE CITY'S TRAFFIC OFFENSES:

**Exhibition Driving**

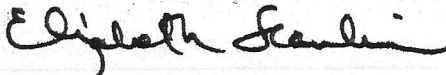
- 1) **Exhibition Driving unlawful.** It shall be unlawful for any person to engage in exhibition driving of any vehicle within the city limits. Prima facie evidence that this section has been violated shall be the operation of a vehicle in such a manner that it creates or causes unnecessary or excessive revving, and/or unreasonable tire squealing or screeching sounds emitted by tires, and/or, the unreasonable throwing of dirt or gravel, and/or rapid acceleration, rapid swerving or weaving in and out of traffic, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of the highway or ground.
- 2) **Prevention of noise, smoke and regulation of muffler cut-outs.** (a) Pursuant to Mont. Code Ann. § 61-9-403, 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 cutout, bypass, or similar device upon a motor vehicle on a highway. (b) 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) **Penalty for Exhibition Driving.** A person convicted of subsection (1) shall pay a fine of up to \$500.00; or
- 4) **Penalty for Exhibition Driving Resulting from Modified Muffler.** A person who commits the offense of Exhibition Driving under subsection (1) if found to have a motor vehicle equipped with a muffler and/or an engine and/or power mechanism in violation of subsection (2) and Mont. Code Ann. § 61-9-403, he/she shall be fined not less than \$500.00.
- 5) **When Suspension of Fine Allowed.** The Court may not suspend a portion of the fine under subsection (4) unless the vehicle's exhaust/muffler modification is corrected within a reasonable time and the vehicle no longer emits excessive or unusual noise and/or smoke.

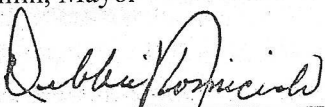
Be it ordained by the Council members of the City of Red Lodge.

First reading by the Council on the 9<sup>th</sup> day of September 2008.

Second reading by the Council on the 23<sup>rd</sup> day of September 2008.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE  
CITY COUNCIL THIS 23<sup>rd</sup> DAY OF September 2008.

By:   
Betsy Scanlin, Mayor

Attest:   
Debbie Tomicich, City Clerk