

**CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
SECOND READING ORDINANCE**

Agenda No. 9.C

City Council Meeting Date: April 20, 2009

Title: CB09-013, An Ordinance Amending Section 38-62 of Article II, Noise Control, of Chapter 38, Environment, Pertaining to Motorcycle Noise

Initiated by (Department): City Attorney **(Division):**

Action Proposed: Final Reading and Public Hearing

Financial Impact: None **This project/request is:** One-time On-going Multi-year

Funding Source: N/A **Type** **Fund**

Future associated costs requiring Council actions: None Additional funds required

Information about the Project or Request:

Noise pollution has long been recognized as a problem. Among the most vexing noise issues in many communities is motorcycle noise. The federal government recognized this decades ago when it established noise emission standards for motorcycles. Nearly all motorcycles manufactured or imported into the United States must carry a noise label or stamp on its muffler exhaust system to show that it meets federal noise emission standard. These labels, often called "EPA noise labels," are generally embossed upon or otherwise affixed to a motorcycle's muffler pipes.

The proposed ordinance requires that every motorcycle that is required to carry an EPA noise label have that label while it is being operated in Arvada. Much like Colorado's proof of insurance law, this law states that if an officer testifies at trial that a motorcyclist was unable to show that the motorcycle had the appropriate EPA noise label at the time of the stop, that testimony will constitute a prima facie case of a noise violation.

Staff recommends approval of this ordinance.

Suggested Motion: Moved by _____

I move that CB09-013, An Ordinance Amending Section 38-62 of Article II, Noise Control, of Chapter 38, Environment, Pertaining to Motorcycle Noise, be (approved on final reading, numbered 4164 and ordered published by title only) (rejected).

YES

NO

ABSENT

