

Offered by Councilor SAL LAMATTINA,

CITY OF BOSTON



IN THE YEAR TWO THOUSAND NINE

AN ORDINANCE REGULATING THE NOISE LEVELS OF MOTORCYCLES

WHEREAS, On a daily basis, City of Boston residents contend with noise pollution from various sources. A chief contributor of this excessive noise is motorcycle exhaust systems.

WHEREAS, To combat excessive noise pollution, the Environmental Protection Agency has codified a motorcycle and a motorcycle exhaust system labeling program, 40 C.F.R. §§205.158, 205.169 respectively, which requires motorcycle and motorcycle exhaust system manufacturers to attach a permanent label to their manufactured products stating that the product meets the Environmental Protection Agency's noise emission requirements. The purpose of the labels is to ensure that specific motorcycles and exhaust systems fully comply with their tested noise emission requirements.

WHEREAS, Neither this problem nor its remedy are unique to Boston. Other local governments, including Denver and Fairfax County, Virginia, have enacted ordinances requiring exhaust system labels to combat excessive noise pollution; and,

WHEREAS, The City of Boston has the authority to control and abate excessive noise produced by the operation of motor vehicles, pursuant to M.G.L. chapter 40, section 21(22) and does so by regulating excessive noise from motor vehicles and by prohibiting certain motor vehicle exhaust system modifications. However, enforcement is often difficult and more can be done. By creating new mechanisms based on existing standards, we can improve the City's mission of reducing noise pollution. *NOW, THEREFORE*

Be it ordained by the City Council of Boston, as follows:

Section 1

CBC Chapter XVI, Section 16-47 is hereby amended by adding the following immediately after the first paragraph:-

(a) Motorcycle Exhaust System Labeling

- 1) No person shall park, use or operate a motorcycle, within the City of Boston, manufactured subsequent to December 31, 1982 that does not bear the required

applicable Federal EPA exhaust system label pursuant Code of Federal Regulations Title 40, Volume 24, Part 205, Subparts D and Subpart E.

- 2) All violations of subsection (a)(1) shall be punishable by a fine of three hundred dollars and no cents (\$300.00).
- 3) Commissioner of the Boston Police Department, or his or her designee, shall have the authority to enforce subsection (a) of this section.

Section 2

The provisions of this section shall be effective immediately upon passage.