

# SUPPLEMENTAL PACKET

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF AFTON

ORDINANCE NO. 05-2017  
CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE OF THE CITY OF AFTON, MINNESOTA RESTRICTING THE SPEEDS AT WHICH ~~MOTORCYCLES~~ (MOTOR VEHICLES) MAY OPERATE IN THE CITY AND THE AMOUNT OF NOISE A ~~MOTORCYCLE~~ (MOTOR VEHICLE) MAY LEGALLY MAKE WITHIN THE CITY LIMITS

The City of Afton, by and through its City Council, hereby ORDAINS:

Section 1. ~~Motorcycles~~ (Motor Vehicles)

The Afton City Code Chapter 22 is amended to include a new Article VIII to read as follows:

~~Motorcycles~~ (Motor Vehicles)

"Article VIII

22-1. The City Council of Afton, Minnesota, finds that the widespread use of ~~large motorcycles~~ motor vehicles has created a public danger within the ~~Old Village area of the~~ City, as defined below, by endangering pedestrians, bicyclists and other vehicle drivers within the area of the City. For purposes of this ordinance, a "~~large motorcycle~~ (motor vehicle)" shall mean any otherwise properly licensed ~~motorcycle~~ (motor vehicle) with an engine displacement of greater than 450 cubic centimeters. Moreover, the City finds that widespread and flagrant practices among ~~motorcyclists~~ to modify (motor vehicles) ~~motorcycles~~ to remove baffles and other noise dampening devices have resulted in excessive noise being created that violates the peaceful and useful enjoyment by residents of their homes in the City and can be an assault on citizens otherwise lawfully gathered in the ~~Old Village area of the~~ City.

22-2 No ~~motorcycle~~ (motor vehicle) operating within the City of Afton may be modified in any way to increase the noise caused by the operation of that ~~motorcycle~~ (motor vehicle). Modification, for purposes of this section, shall include removal or modification of any factory- installed muffler or baffling device. Any ~~motorcycle~~ (motor vehicle) found to be violating this provision may not be allowed to continue to operate on streets within the City until such time as it can be operated within acceptable limits under this

provision. Operation of any such motorcycle (motor vehicle) within the City is a misdemeanor punishable with a fine of up to \$1000, a jail sentence of up to 90 days, or both.

22-3. No motorcycle (motor vehicle) operating within the City may be capable of generating noise in excess of **94** decibels as measured in the test procedure established herein measured at a distance of twenty feet inches while operating at an engine speed of 50% of red line rpm. Any motorcycle (motor vehicle) found to be violating this provision may not be allowed to continue to operate on streets within the City until such time as it can be operated within acceptable limits under this provision.

22-4. Noise Level Test Procedure. For purposes of enforcement of the noise standards of this ordinance, the decibel level being generated by any motorcycle in the City may be established as follows:

**Equipment Needed:**

- 1) Decibel Meter (sound meter), REED Instruments R8060 Sound Level Meter (or equivalent), Type 2, 30 to 130 dB range with NIST Calibration Certificate.
- 2) 20 inch string or tape measure.

**Setup:**

- 1) The test area should be an open area clear of objects within 15 feet of the vehicle Under Test (VUT).
- 2) Only the driver / rider and the sound meter operator should be within 10 feet of the VUT.
- 3) Allow the db meter to come to the same temperature as surroundings.
- 4) Set the sound meter for slow response, 'A' weighing.

**Measurement:**

- 1) Make sure the vehicle is warmed up and is in neutral.
- 2) Have the driver sit in the driver's seat -or- for a motorcycle, sit on the motorcycle with both feet on the ground so that the VUT is vertical and stationary.
- 3) Place the sound meter:
  - a. 20 inches (0.5 meters) from the rear of the exhaust outlet.
  - b. At an approximately 45 degree angle from the rear of the exhaust outlet.

- c. And at the same height as the exhaust outlet.
- 4) Increase the VUT RPMs until it is 50% of the red line.

Any police officer in the City may stop any large motorcycle (motor vehicle) and operator on the streets of the City if that officer has reason to believe that such a motorcycle (motor vehicle) is causing excessive noise in violation of this ordinance. No motorcycle (motor vehicle) driven by an operator within the City will be allowed to operate in the City if its operator refuses to permit the noise test procedure established herein to be used on that motorcycle (motor vehicle) upon request. Operation of a motorcycle (motor vehicle) whose operator has refused to submit to the test described herein within the City shall be a misdemeanor.

22-5. No motorcycle (motor vehicle) may operate on any public street in the City of Afton at a speed greater than the posted speed limit

22-6. Excessive noise being generated by an operating motorcycle (motor vehicle) in the City of Afton is an assault on any individual within 30 feet of that motorcycle.

**Section 2. Effective Date.**

This ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED by the City Council of the City of Afton, Washington County, Minnesota, on this 15th day of August, 2017.

CITY OF AFTON

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Richard Bend, Mayor

ATTEST :

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Ronald J. Moore, City Administrator

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(SEAL)

**AFTON MARKET SQUARE, INC.**  
**3121 St. Croix Trail South**  
**Afton, MN 55001**  
**651-436-8656**

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August 15, 2017

City of Afton  
3033 St. Croix Trail South  
P.O. Box 219  
Afton, MN 55001

Re: Burying Xcel Power Lines

Please consider this a request to pass the necessary ordinance to obligate Xcel Energy to immediately proceed with burying the existing power lines in the downtown area. This is an opportune time to undertake this project as the roads should be completed in the next 30-45 days and Xcel could then bury the power lines prior to the installation of the sidewalks. As a business owner, I am not opposed to a delay in the completion of the sidewalks and boulevards. With the roads completed, traffic flow through the City would not be interrupted.

I anticipate the County will be opposed to this as it will delay completion of the project. Rather than assume that undertaking this project will cause an unreasonable delay, I recommend passing the ordinance and working with Xcel to find a solution rather than looking to reasons why it cannot be accomplished.

If we do not take any action, we are guaranteed that the power lines will not get buried. Let's do **something** to get the ball rolling and address the issues necessary to make it happen.

Sincerely,

AFTON MARKET SQUARE, INC.



James B. Gasperini  
President

FROM THE DESK OF  
**MARGARET ZEIDEL**

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August 15, 2017

To whom it may concern,

My name is Margaret Zeidel and I am a resident at 3055 St. Croix Trail South. I am heavily in favor of the new noise ordinance that is being proposed. I have been away at college for a few years, but I come home frequently on weekends both during the school year and during the summer. The traffic noise in the area has become simply unbearable. I am frequently unable to do schoolwork or any other type of work because of it. Trying to focus and get things done when engines are revving outside of my window at all hours of the day and night is nearly impossible. The noise, as well as the problems with speeding (these things tend to go hand in hand) has made my home a less than ideal place to live. It hinders my ability to do my schoolwork and my job.

Please consider passing this ordinance for those of us who have to deal with this every day, and at all hours of the day and night.

Sincerely yours,

Margaret Zeidel

Sent: Tuesday, August 15, 2017 7:59 AM  
To: Ron Moorse <rmoorse@ci.afton.mn.us>  
Subject: Noise Ordinance

The change of the route of the Flood Run due to the road construction has potentially benefited our household. Since Ken and I moved back to Afton in 1977 we have been overwhelmed by the speed and noise of motorcycles passing our home on Co. Road 21. I have to close all windows on our house on the north side every Saturday and Sunday when the weather permits riding, although some weeknights can be just as bad. The noise causes the necessity of pausing telephone conversations and the speed issue frightens me when attempting to exit our north driveway. Other citizens of Afton are now aware of an issue we have always lived with and I am thankful for that. Please pass the new ordinance.

Linda Johnson  
3752 River Road So.

Sent from my iPad

**Sent:** Tuesday, August 15, 2017 1:09 PM  
**To:** Ron Moore <rmoore@ci.afton.mn.us>  
**Subject:** Motor cycle noise concerns

To whom it may concern,

I've been renting an office in the Afton Market Square since spring. While I find the building and general location adjacent the county road to be convenient, the noise disturbances caused by intentional motorcycle activities are intolerable.

While I fully admit I am not a motorcycle enthusiast, I believe that I can be fair and impartial in judgment.

Simply put, the noise that is projected from revving engines and fast accelerating motorcycles is not something I believe Afton residence and business people should have to deal with on a regular basis. Keep in mind, a driver does not have to be exceeding the posted speed limit to project extraordinary noises.

You have my full support to purchase noise level monitoring equipment and enforce a noise ordinance.

Thank you.

**Jason Johnson** | North American Director of Sales  
Phone +1.920.743.6202 | Direct +1.920.746.4222  
49 E. Yew Street, Sturgeon Bay, WI 54235 USA

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Sent: Tuesday, August 15, 2017 12:57 PM  
To: Ron Moore <[rmoorse@ci.afton.mn.us](mailto:rmoorse@ci.afton.mn.us)>  
Subject: noise ordinance

I am not able to make it to the meeting tonight but strongly urge the city council to try to change it's noise ordinance to make it easier to crack down on vehicle noise that is disturbing to so many in our community.

Thank you for your consideration.

Lucy Heegaard

**Julie Ann Stenberg Zeidel**  
**P.O. Box 145**  
**Afton, MN 55001**  
**(651) 436-3074 (h)**  
**juliestenbergzeidel@comcast.net**

August 14, 2017

I am here today to talk to you about vehicle noise here in Afton. I live next door. I am a musician and a composer. The vehicle noise is SO LOUD, when I am in my basement, practicing drums along with a heavy metal tune, I STILL hear vehicles as they pass through. I also play gigs outside at the Lumberyard where the band can't be heard due to the traffic noise - how can that be pleasant for the customer? And obviously, it is very difficult for me to compose music during the worst of the noise, which is especially disruptive during weekend days. Consider the following:

1. There is often a gratuitous revving of engines / popping of clutches, serving no purpose other than to annoy and call attention to the driver.... This does usually happen with the Harleys, many of which have been modified to cause excess noise anyway.
2. There is also excessive acceleration, causing noise (and speeding), common in "bullet" bikes. I have seen them race through here in tandem as though it were a speedway. You can hear them for miles - 15 minutes or so
3. Modified exhaust, including diesel trucks and high end vehicles; again, there is usually needless revving, speeding, and multiple vehicles involved.
4. "Junker" cars that obviously need to have the muffler fixed.
5. Commercial traffic and "jake braking" - I have seen trucks carrying a load of cars, bound for who knows where, and other large semis with sleeping cabs, even some that pass through in the middle of the night. (ie 1 am). (I have reported this to the highway patrol - I suspect they are circumventing the weigh station).

In short, noise is a major quality of life issue here. Of course, I can, and do, call the police, especially since when I find the noise intolerable there is usually multiple vehicles and speeding involved. But I would be making multiple calls a day to catch all this and I fear that would affect my credibility with the police. Finally, I think it worth noting that I used to live above the Mass turnpike in Boston and the noise was no where near this disruptive, given the explosive / percussive nature of what goes on around here. I understand we want traffic to bring business to the town, but if we could cut down on unnecessary noise and speeding, all of us, including the residents, could enjoy town! As it is, I plan as many weekends away as I can, which affects business revenue here. Thanks so much for listening!

Sincerely,

Julie Zeidel

## Motorcyclist Profiling

The American Motorcyclist Association has long advocated for the rights of motorcyclists and the motorcycling lifestyle. The AMA, in diligently scrutinizing government policies directed at motorcyclists, is concerned over motorcyclist profiling. This includes motorcycle-only checkpoints and what is a predisposition in many cases of law enforcement officers targeting motorcyclists solely because they are wearing motorcycle-related clothing.

In the past few years, a number of efforts have been undertaken to address these issues. For example, the states of Washington (S.B. 5242 in 2011) and Maryland (S.B. 233 in 2016) have passed legislation specifically forbidding the profiling of motorcyclists, and other states are considering similar legislation. Additionally, California adopted Assembly Bill 1047 in 2012, specifically outlawing motorcycle-only checkpoints. Checkpoints are also restricted by state law or judicial action in: Alaska, Louisiana, Missouri, North Carolina, Virginia, Illinois, New Hampshire, Idaho, Iowa, Maryland, Michigan, Minnesota, Oregon, Rhode Island, Texas, Washington, Wisconsin and Wyoming.

The AMA strongly condemns the profiling of motorcyclists by government agencies and has long championed the undeniable fact that the vast majority of riders and enthusiasts are upstanding, law-abiding citizens. Motorcyclists and motorcycling enthusiasts represent the full range of Americans and should be judged on their specific behaviors and actions, not their chosen mode of transportation or association with others.

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## More Information

# Excessive Motorcycle Sound

## Excessive Motorcycle Sound

Since its inception in 1924, the American Motorcyclist Association has maintained a position of strong opposition to excessive motorcycle sound. The AMA has funded information and public relations campaigns in support of quieter motorcycle use, and was the world's first motorsports sanctioning body to regulate and reduce the sound level of racing vehicles.

The AMA believes that few other factors contribute more to misunderstanding and prejudice against the motorcycling community than excessively loud motorcycles. All motorcycles are manufactured to meet federally mandated sound control standards. Unfortunately, a small number of riders who install unmuffled aftermarket exhaust systems perpetuate a public myth that all motorcycles are loud. Efforts by regulators to rein in excessive motorcycle sound often miss the mark by singling out motorcyclists with ordinances and laws that are unfair, impractical and unenforceable.

No single segment of the motorcycling community--riders, event organizers, retailers and distributors, original equipment and aftermarket manufacturers, law enforcement and the safety community--can single-handedly solve this problem. Although there are other sources of excessive sound such as loud cars and trucks, booming car stereos, poorly maintained generators, and whining leaf blowers, motorcyclists have a responsibility to be part of the solution. Shifting blame and failing to adopt responsible, voluntary practices will only result in greater

prejudice and discrimination against all motorcyclists, including excessively rigorous state and federal standards, more expensive and less attractive motorcycles, the reduction of choices in aftermarket products, abusive enforcement of current laws, and other measures that will negatively impact both riders and the motorcycle industry.

Based on its opposition to excessive motorcycle sound, the AMA recommends the following:

- All motorcyclists should be sensitive to community standards and respect the right of fellow citizens to enjoy a peaceful environment.
- Motorcyclists should not modify exhaust systems in a way that will increase sound to a level that is offensive. This includes the installation of unmuffled exhaust systems.
- Organizers of motorcycle events should take steps—through advertising, peer pressure and enforcement—to make excessively loud motorcycles unwelcome.
- Motorcycle retailers should discourage the installation and use of excessively loud replacement exhaust systems, including unmuffled “straight pipes.”
- The motorcycle industry; including aftermarket suppliers of replacement exhaust systems, should adopt responsible product design and marketing policies aimed at limiting the cumulative impact of excessive motorcycle sound.
- Manufacturers producing motorcycles that meet the appropriate federal standards should continue to educate their dealers and customers that louder exhaust systems can decrease the performance of motorcycles.
- Law enforcement agencies should fairly and consistently enforce appropriate laws against excessive vehicle sound and other sources of undesirable sound.
- The motorcycle industry and the safety community should educate customers and riders that excessive sound can be fatiguing, thus impairing good riding skills and judgment, making riding less enjoyable.

The AMA and its Board of Directors wholeheartedly endorse these recommendations and the association will continue to advocate for responsible behavior on the part of its members and all motorcyclists.