

SECTION 730 - NOISE

730.01 Noises Prohibited.

Subd. 1 General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety and welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restriction of the following subdivisions.

Subd. 2 Horns, Audible Signaling Devices. No person shall sound any audible signaling device on any vehicle except as a warning of danger. This Subdivision and Subdivision 8 of this section 71.0.01 shall not apply to vehicles driven through residential districts from which ice cream or other treats are sold.

Subd. 3 Exhaust No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

Subd. 4 Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

Subd. 5 Loading, Unloading, Unpacking. No person shall create loud and excessive noise in loading, unloading or unpacking any vehicle.

Subd. 6 Radios, Phonographs, Paging Systems. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in such a manner as to unreasonably disturb the peace, quiet and comfort of any person nearby. Operation of any such set, instrument, phonograph, system, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be

plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet from the source if the source is located outside a structure or building, shall be prima facie evidence of a violation of this Section.

Subd. 7 Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to noise which unreasonably disturbs the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than any owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

Subd. 8. Loudspeakers, Amplifiers for Advertising. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertisement or attracting the attention of the public to any commercial establishment or vehicle.

Subd. 9 Schools, Churches, Hospitals, Etc. No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church, hospital or senior housing facility when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents.

730.02 Hourly Restrictions on Certain Operations.

Subd. 1 Recreational Vehicles. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any recreational motor vehicle, as defined in Minnesota Statutes §84.90, or any successor provisions, which are not licensed for travel on public highways. This provision shall not apply to snowmobiles, which are separately regulated by the City.

Subd. 2 Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Equipment being used to remove snow is exempt from this provision.

Subd. 3 Refuse Handling. No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 6:00 a.m. and 9:00 p.m. on any weekend or holiday.

Subd. 4 Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

730.03 Exceptions.

Subd. 1 Emergency Work. Noise created exclusively in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this section for a period not to exceed 24 hours after the work is commenced. Persons responsible for such work shall inform the City of the need to initiate such work or, if the work is commenced during non-business hours of the City, at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

Subd. 2 Parades. Parades permitted by proper authorities which are conducted within the limits of their permits are exempt from this section.

730.04 Enforcement.

Subd. 1 Enforcement Duties. The police department shall enforce the provisions of this Section. The police department or its members may inspect private premises

other than private residences and shall make all reasonable efforts to prevent violations of this Section.

Subd. 2 Civil Remedies. This section may be enforced by injunction, action for abatement or other appropriate civil remedy.

Subd. 3 Noise Impact Statements. The Council may require any person applying for a change in zoning classification, a variance or a permit or license for any structure, operation, process, installation or form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

Subd. 4 Criminal Penalties. Every person who violates any provision of this section is guilty of a misdemeanor. Each act of violation and each day of violation occurs or continues constitutes a separate offense.