

CHAPTER 7: NUISANCES AND OFFENSES

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## CHAPTER 7: NUISANCES AND OFFENSES

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### ORDINANCE 72     NOISE

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Section 72.01: NOISES PROHIBITED. No Person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, endangers or affects any other person's comfort, repose, health, peace, safety or welfare, precludes their enjoyment of property, or affects their property's value. Any noise heard outside the premises of the noise's source shall be prohibited and violate this Ordinance.

Section 72.02: UNLAWFUL ACTS. Noises that violate this Ordinance include, but are not limited to, the following acts:

Subd. 1: Horns and Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger warning.

Subd. 2: Radios, Tape and Disc Players, Etc. The using, operating, or permitting to be played any radio receiving set, tape or disc player, musical instrument, phonograph, paging system, or other machine or device that produces or reproduces sound in a manner to disturb the peace, quiet or repose of a person or persons or ordinary sensibilities, considering the time, place and purpose for which the sound is produced. Operation of any machine under this subdivision that is plainly audible at the property line of the structure or building in which it is located, in the hallway or adjacent apartment, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation.

Subd. 3: Sounds from Vehicles. When a machine or device located in or on a vehicle produces or reproduces a sound violating this Section, the vehicle's owner, or if the vehicle's owner is not present at the time of the violation then the person in charge or control of the vehicle, is guilty of the violation.

Subd. 4: Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device that produces or reproduces sound that is cast upon the public streets for commercial advertising or attracting the attention of the public to any building or structure.

Subd. 5: Yelling and Shouting. Yelling, shouting, hooting, whistling, or singing at any time or place that annoys or disturbs the quiet, comfort or repose of any person in any office, dwelling, hotel, motel, other place of residence or in the vicinity.

Subd. 6: Animals or Birds. The keeping of any animal or bird whose frequent or long continued noise disturbs the comfort or repose of any person in the vicinity.

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Subd. 7: Whistles or Sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren, except whistles or sirens that give notice of the time to begin or stop work, warn of fire or danger, or are used by public emergency vehicles.

Subd. 8: Exhaust. The discharge into the open air of exhaust from a steam engine, stationary internal combustion engine, motor boat, motor vehicle or snowmobile, except through a muffler or other device that will effectively prevent loud or explosive noises and complies with all applicable laws and regulations.

Subd. 9: Defective Vehicles or Loads. The use of any automobile, motorcycle, or other motor vehicle so out of repair or so loaded to create loud and unnecessary grating, grinding, rattling, or other noise that will disturb the comfort or repose of any person in the vicinity.

Subd. 10: Sound Trucks for Advertising Purposes. The use of sound trucks or any other vehicle equipped with sound amplifying devices to advertise any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization.

Subd. 11: Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in loading or unloading any vehicle or opening and destroying bales, boxes, crates, and containers.

Subd. 12: Building Construction or Repair. The erection, excavation, demolition, alteration, or repair of any building between 9:00 p.m. and 6:00 a.m. of the following day on week days and all day Sunday except where single individuals or families work on single family residences for their own occupancy. The City Building Inspector or City Clerk/Administrator may, in cases of emergency, grant permission to repair at any time when the inspector finds that the repair work will not affect the health and safety of persons in the vicinity.

Subd. 13: Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court or hospital while these institutions are in use that unreasonably interferes with the property's use if conspicuous signs are displayed in the streets indicating the institution or property is a school, hospital or court street.

Subd. 14: Noisy Gatherings. Participation in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a Police Officer determines that a gathering is creating a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to stop the disturbance.

### Section 72.03: EXCEPTIONS.

Subd. 1: This section shall not apply to sound produced by the following:

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- a) Amplifying equipment used in connection with activities the City authorizes, sponsors or permits if the activity is conducted pursuant to the conditions of the license, permit or contract authorizing the activity.
- b) Church bells, chimes or carillons.
- c) School bells.
- d) Anti-theft devices.
- e) Machines or devices producing sound on or in authorized emergency vehicles.

Section 72.04: LANDLORD'S LIABILITY. Violations of this Ordinance shall be the act of the owner of the residential dwelling unit even if the owner does not reside in the unit as well as the persons on the premises who violate this Ordinance. The owner will only be liable for those violations occurring after receipt of written notice from the City or its police department of a violation of this Ordinance.

Section 72.05: ENFORCEMENT. The City Council or Police Department shall enforce this Ordinance.

Section 72.06: WAIVER. The City Council or Police Department may waive any of this Ordinance's provisions if it determines that strict enforcement of the provision would cause any undue hardship.

Section 72.07: PENALTY. Any Person who violates the provisions of this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses occurring within two (2) years of the first violation. Each violation and each day a violation occurs or continues shall be a separate offense. This Ordinance may also be enforced by injunction, action for abatement or other appropriate civil remedies. Fines for violations are as established by the City Council in Appendix A.

Section 72.07 amended on 1/4/06