

ORDINANCE NO. 94-17

ORDINANCE REGULATING NOISE

The Board of Supervisors of the Town of Alexandria, possessing the powers enumerated in M.S.A. Section 386.01, ordains:

- 1. General Restrictions.** It shall be unlawful for any person to make, or assist in making, permit or allow the making of any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in the Township.
- 2. Sec. 2.1 Prohibited Noises.** The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Ordinance, but this enumeration is not inclusive:
 - A.** The continual sounding of any horn, siren, or other signaling device on a motor vehicle, except in cases of imminent danger or emergency; or the amplification of sound emitted by such signaling device beyond that of its design. Burglar alarms, sirens or similar devices installed and operated for the use specified by the manufacturer, are exempt from the provisions of this Section.
 - B.** Attracting the attention of the public to any business, building, structure, vehicle, or other area by creating a disturbing noise including, but not limited to, crying out, sounding a horn, ringing a bell, or issuing music or sound broadcasts through any radio receiving set, musical instrument, phonograph, stereo, loud speaker, sound amplifier, or other machine or device for the production or reproduction of sound. In addition, no person shall create loud or disturbing noise through the use of any such sound production or reproduction devices in any activities or proceedings of a business including, but not limited to, the use of loud speakers for communications. If speaker or sound systems are required by law for safety reasons, businesses shall be exempt from the provisions of this section.
 - C.** The loading or unloading of any motor vehicle or handling any bales, boxes, crates, or containers in such a manner as to cause loud, unnecessary or disturbing noise.
 - D.** Disturbing noise on any street adjacent to any school, learning institution, religious institution or Court or adjacent to any hospital or home for the aged, or other similar institutions which

interferes with the working of such institution or unreasonably disturbs or annoys inhabitants of the institution, provided that conspicuous signs indicating the presence of such institutions are clearly displayed.

- E.** The operation of any motor vehicle or any minibike or other similar vehicle or device in any way which results in the squealing of tires or the creation of any other disturbing noise on any highway, private road, public or private parking lot, driveway, or other property in the Township, except when there is reason to do so for the safe operation of the vehicle.
- F.** The operation of an internal combustion engine or the repairing, rebuilding, building or testing of vehicles or equipment in such a manner as to create disturbing noise.
- G.** Operation of earthmoving or related construction equipment on residential property for more than five (5) days within a thirty (30) day period, except during construction or remodeling activity for which a building or grading permit has been obtained.
- H.** The operation of a public address or sound amplification system in any public or private park.
- I.** A radio receiving set, musical instrument, phonograph, stereo, or other machine or device used for reproduction of sound, used or operated in such a manner as to disturb the peace, quiet, or comfort of others in its vicinity. The operation of any receiving set, instrument, phonograph, stereo machine or device between 11:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section if done in such a manner as to be plainly audible.
 - 1.** at the real property boundary of the building, structure or residence, or other area in which it is located, or
 - 2.** at a distance of 50 feet from any motor vehicle or portable site in which it is located.
- J.** Any disturbing noise in any multi-use apartment building audible beyond the property line of the area or premise owned, rented, leased, or used by such person.
- K.** Participation in any party or gathering which creates loud or disturbing noises between the hours of 10:00 p.m. and 7:00

a.m. as determined at the property line of the building, structure, rental unit, or other enclosure in which such party or gathering occurs. In the event that such party or gathering is determined by a Township official to violate this Ordinance, all persons except the owner, renter, lessee or other occupant shall promptly leave the premises in an orderly manner.

2.2 Definition

Section 2.1 Prohibited Noises uses the following terms:

- A.** Loud, disturbing, and unnecessary noises;
- B.** Disturb the peace, quiet, or comfort of others in its vicinity;
- C.** Disturbing noise;
- D.** Loud or disturbing noise(s).

All of these terms, as used in Section 2.1, shall mean:

- 1)** Any sound measured at any time in excess of 70 decibels at the property line of the site which is the source of the sound, or at 50 feet from any motor vehicle or other portable site which is the source of the sound.
- 2)** Any sound measured in excess of 60 decibels at the property line of the site which is the source of the sound, or at 50 feet from any motor vehicle or other portable site which is the source of the sound, between the hours of 11:00 p.m. and 7:00 a.m.

3. Operational Limits for Various Sound Sources.

- A.** No person shall engage in, permit, or allow construction or grading activities involving the use of power equipment, or other activities resulting in loud or disturbing noise at any time other than between 7:00 a.m. and 10:00 p.m.
- B.** No person may operate any outdoor power implements including, but not limited to, power lawn mowers, power hedge clippers, power saws, or other such implements at any time other than between 7:00 a.m. and 10:00 p.m. Operation of equipment for snow removal shall be exempt from the provisions of this Section when initiated within twelve (12) hours of completion of the recent snowfall.

C. No person shall drive or operate any minibike, snowmobile, or other similar recreational vehicle not licensed for travel on public streets at any time other than between 7:00 a.m. and 10:00 p.m. on any day of the week.

4. Exceptions to Regulations. The foregoing regulations shall not be applicable to:

A. Noise necessary for the protection or preservation of property or the health, safety, or life of a human being.

B. The operation of motor vehicles on public streets and highways in compliance with State and local laws:

C. Operation of locomotives and railroad cars;

D. Sirens or warning devices used by public safety personnel in emergency situations; and

E. Emergency work such as utility maintenance and snow removal necessary to restore public service or to eliminate a hazard, or maintenance activities conducted or contracted for by the Township of Alexandria.

5. Variances. The Supervisors of the Township may permit variances from the strict compliance of any of the provisions of this Ordinance if there are special circumstances or conditions that exist and the granting of such a variance will not materially affect the health, safety or general welfare of the public. The Supervisors of the Township, in their discretion, may require notification of property owners if a variance to the provisions of this Ordinance is to be considered.

6. Penalty. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor. As an additional remedy, any violations of these Sections may be subject to abatement, injunction, or other appropriate action issued by a Court of competent jurisdiction. Each day a violation continues to exist shall constitute a separate violation.

Passed by the Board of Supervisors this 6th day of June, 1994.

**TOWN OF ALEXANDRIA
DOUGLAS COUNTY, MINNESOTA**

By Donald Welton, Chairman
By Luverne Ludwig, Supervisor
By Russell M. Niskanen, Supervisor
By Larry Zilliox, Supervisor
By T. Michael Thompson, Supervisor

Attest:

Gordie R. Billmark, Town Clerk