

## Section 2025 - Noise

2025.01 Definitions. Subdivision 1. General. Words and phrases defined in this section have, when used in this ordinance, the meanings given below. Any other word or phrase used in this ordinance, and defined in regulations of the Minnesota Pollution Control Agency Noise Pollution Control Rules Chapter 7030, has the meaning given in those regulations.

Subd. 2. Air Circulation Device. Means a mechanism designed and used for the controlled flow of air used in ventilation, cooling, or conditioning, but not limited to, central and window air conditioning units.

Subd. 3. L10. Means the sound level, expressed in decibels (dBA) which is exceeded 10 percent of the time for a one-hour period, as measured by a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute and using test procedures approved by the City Manager.

Subd. 4. L50. Means the sound level, expressed in decibels (dBA) which is exceeded 50 percent of the time for a one-hour period, as measured by a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute and using test procedures approved by the City Manager.

Subd. 5. Person. Means an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, "person" shall include employees and licensees.

Subd. 6. Sound. Means a temporal and spatial oscillation in pressure or other physical quantity in medium with internal forces which causes compressions and rarefactions of that medium and which is prop gable at finite speed to distant points. (*Ord. 2012013, 3/27/2012*)

Subd. 7. Sound Level (Noise Level). Means A-weighted sound pressure level, expressed in dBA, obtained by the use of a sound-level meter having characteristics as specified in the American National Standards Institutes (ANSI) standard S1-4-1961. (*Ord. 2012013, 3/27/2012*)

2025.03 Noises Prohibited. Subdivision 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, or welfare of any persons or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following subdivisions.

Subd. 2. Horns, Audible Signaling Devices, etc. No person shall sound any signaling device on any vehicle except as a warning of danger, as required by Minnesota Statute 169.68.

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, recreational 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, Televisions, Compact Disc Players, Paging Systems, etc.

A. General Prohibition. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, compact disc player, paging system, machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, comfort, safety or welfare of any persons or precludes their enjoyment of property or affects their property value.

B. Nighttime Prohibition. Operation of any such set, instrument, television, compact disc player, 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 if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

*(Ord. 2012-13, 3/27/2012)*

Subd. 7. Participation in Noisy Parties or Gatherings. No person shall participate 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 such 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 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, etc. 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 advertising or attracting the attention of the public to any commercial establishment or vehicle.

Subd. 9. Animals. No person shall keep any animal that unreasonably disturbs the comfort or repose of any person by its frequent or continued noise. For purposes of this subdivision, “disturbs the comfort or repose of any person by its frequent or continued noise” means any one of the following:

- A. The animal noise occurs at a time between 10:00 p.m. and 7:00 a.m. and can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than five minutes; or
- B. The animal noise can be heard 500 feet from the location of the building and premises where the animal is being kept, and the animal has made such noises intermittently for more than five minutes; or
- C. The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noises intermittently for a period of at least five minutes.

Subd. 10. 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 home for the elderly when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

2025.05. Hourly Restriction on Certain Operations. Subdivision 1. Recreational Vehicles and Snowmobiles. No person shall, between the hours of 10:00 p.m. and 7:00 a.m., drive or operate any snowmobile or other recreational vehicle not licensed for travel on public highways.

Subd. 2. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, leaf blower/vacuum, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. (*Ord. 2000-03, 2/01/2000*)

Subd. 3. Refuse Hauling and Recycling Collection. No person shall collect or remove garbage or refuse or collect designated recyclables in any residential district except between the hours of 7:00 a.m. and 10:00 p.m.

Subd. 4. Construction, Maintenance and Repair Activities. No person shall engage in or permit construction, maintenance and repair activities involving the use of any kind of electric, diesel or gas-powered motor vehicles or machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. Monday through Friday and 8:00 a.m. and 9:00 p.m. Saturday, Sunday, and holidays (New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas). (*Ord. 2000-03, 2/01/2000; Ord. 2006-07, 2/28/2006*)

Subd. 5. Exceptions. The following uses and activities are exempt from this Section as specified below:

- A. Snow removal motor vehicles, equipment and operations are exempt from Section 2025.05, Subd. 2, and Section 2025.05, Subd. 4.
- B. Equipment and vehicles used for maintenance of public or private golf courses, public and private driving ranges, ice skating rinks on public property, and ski trail grooming on public property are exempt from the hourly restrictions of Section 2025.05, Subd. 1, Subd. 2, and Subd. 4.
- C. Golf carts for use on public or private golf courses are exempt from Section 2025.05, Subd. 1 and Subd. 4.
- D. Emergency back-up generators operated during power outages are exempt from Section 2025.05, Subd. 2.
- E. Sanitary sewer cleaning performed by the City, Metropolitan Council, or their agents is exempt from Section 2025.05, Subd. 4.
- F. Public projects lasting five days or fewer and performed by a governmental agency or their agents are exempt from Section 2025.05, Subd. 4.

(Ord. 2000-03, 2/01/2000; Ord. 2006-07, 2/28/2006; Ord. 2008-08, 3/25/2008; Ord. 2012-06, 2/28/2012)

2025.07 Receiving Land Use Standards. Subdivision 1. Maximum Noise Levels by Receiving Land Use Districts. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in Table I for the receiving land use category specified when measured at a point of normal human activity of the receiving land use.

<b>TABLE I. SOUND LEVELS BY RECEIVING LAND USE DISTRICTS</b>				
<b>Land Use Districts</b>	<b>Day</b>		<b>Night</b>	
	7:00 a.m. – 10:00 p.m.		10:00 p.m. –7:00 a.m.	
	<b>L10</b>	<b>L50</b>	<b>L10</b>	<b>L50</b>
Residential	65	60	55	50
Commercial	70	65	70	65
Industrial	80	75	80	75

Subd. 2. Exemptions. The levels prescribed in Subdivision 1 do not apply to noise originating on public streets and alleys but such noise shall be subject to other applicable sections of this ordinance.

2025.09. Air Circulation Devices. No person shall permanently install or place any air circulation device, except a window air conditioning unit, in any outdoor location unless the device in that location will comply with the noise level standards prescribed in Section 2025.07. (Ord. 2012-13, 3/27/2012)

2025.11. Exemption for Emergency Work. Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise. (*Ord. 2001-08, 2/27/2001; Ord. 2012-13, 3/27/2012*)

2025.12. Exceptions. Government Sponsored Activities. Certain activities related to public entertainment including but not limited to Fourth of July fireworks, City sponsored concerts in public parks, licensed carnivals and parades shall be exempt from the provisions of this ordinance. (*Ord. 2012-13, 3/27/2012*)

2025.13. Administration.

A. Administration Officer. The noise control program established by this ordinance shall be administered by the City Manager.

B. Testing Procedures. The City Manager may enlist the services of the Minnesota Pollution Control Agency or the services of a private noise testing company when testing for noise levels is believed in excess of Subdivision 4 of this section.

C. Studies, etc. The City Manager may conduct such research, monitoring, and other studies related to sound as are necessary or useful in enforcing this ordinance and reducing noise in the City. He/she shall make such investigations and inspections in accordance with law as required in applying ordinance requirements.

D. Noise Impact Statements. The City Manager may require any person applying to the City for a change in zoning classification or a permit or license for any structure, operation, process, installation, or alteration, or produce that may be considered a potential noise sources to submit a noise impact statement on a form, supplied by the City. The City Manager shall evaluate each such statement and make appropriate recommendations to the Council or other agency or officer authorized to take the action or approve the license or permit applied for.

E. Performance Standards-Test.

1. By Owner. In order to assure compliance with the performance standards set forth above, the Council may require the owner or operator of any permitted use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigations and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Council after 30 days notice. The cost incurred in having such investigations and test conducted shall be shared equally by the owner or operator and the City, unless the investigation and test disclose noncompliance with the



performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator.

2. By City. The procedure above stated shall not preclude the City from making any tests and investigations it finds appropriate to determine compliance with these performance standards.

*(Ord. 2012-13, 3/27/2012)*

2025.15. Authority. Subdivision 1. Authority. The City Manager shall have the authority to grant variances from the requirements of any section of this ordinance.

Subd. 2. Application. Any person seeking a variance shall file an application with the City Manager on a form prescribed by the City. Information to be supplied in the application shall include but not be limited to the following information:

- A. Legal description of property;
- B. Dates of exception requested;
- C. Location of particular noise source and times of operation;
- D. Equipment involved;
- E. Necessity for request of exception;
- F. Steps taken to minimize noise level from source;
- G. Names of responsible persons; and

*(Ord. 2010-02, 2/23/2010; Ord. 2012-13, 3/27/2012)*

*(Subdivision 3 repealed by Ordinance No. 2012-13, 3/27/2012)*

Subd. 4. Appeals. The decision made by the City Manager concerning the exception request may be appealed to the Council within 10 days after the City's written decision. The appeal shall be filed in writing with the City Clerk who shall schedule a date before the Council as soon as possible. The person appealing the decision shall file with the City Clerk a Notice of Appeal specifying the grounds upon which the appeal is based. Mailed notice of the Council date shall be made to the applicant, and to any person who filed a Notice of Appeal. *(Ord. 2000-03, 2/01/2000; Ord. 2012-13, 3/27/2012)*

2025.17. Enforcement. Subdivision 1. Notice of Certain Violations. When the City Manager determines that a noise exceeds the maximum sound level permitted under Section 2025.07, written notice of the violation shall be given to the owner or occupant of the premises where the noise originates and such person shall be ordered to correct or remove each specified

violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed constitutes a violation of this ordinance. Low frequency and impulse noises that do not violate the provisions in 2025.07 are not regulated, but reasonable efforts will be attempted to mitigate these concerns. (*Ord. 2001-08, 2/27/2001; Ord. 2012-13, 3/27/2012*)

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

Subd. 3. Criminal Penalties. Any violation of this ordinance involving the operation of a motor vehicle, other than a violation of Section 2025.03, Subd. 6, which occur in a motor vehicle, is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed \$200. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses. In all cases the city shall be entitled to collect the costs of prosecution to the full extent permitted by law. Each act of violation and each day a violation occurs or continues constitutes a separate violation. (*Ord. 2004-03, 1/14/2004*)

2025.19. Severability. If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

(*Ord. 98-40; 11/18/98; Ord.2011-29, 10/25/2011*)