

ORDINANCE NO. 99

NOISE CONTROL

THE CITY COUNCIL OF THE CITY OF NICOLLET, MINNESOTA DOES ORDAIN:

SECTION 1. 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, or 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 restrictions of the following subdivisions.
- Subd. 2. Horns, audible signaling devices, etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger, as required by Minn. Stat. 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, 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 or excessive noise in loading, unloading, or unpacking any vehicle.
- Subd. 6. Radios, phonographs, paging systems, etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, stereo, or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, paging system, stereo, or other device between the hours of 6:00 p.m. and 9:00 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.
- 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 persons in the vicinity by its frequent or continued noise. For purposes of this section, "disturbs the comfort or repose of persons in the vicinity 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 three (3) minutes with one minute or less lapse of time between each animal noise during the three minute period; or
  - B. The animal noise can be heard from a one block distance 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 three (3) minutes with one minute or less lapse of time between each animal noise during the three minute period; 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 (5) minutes with one minute or less lapse of time

between each animal noise during the five minute period.

- 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 or other institution 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.

SECTION 2. Hourly Restriction on Certain Operations.

- Subd. 1. 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 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.
- Subd. 2. Refuse hauling. 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 8:00 a.m. and 9:00 p.m. on any weekend or holiday.
- Subd. 3. 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 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday.

SECTION 3. Enforcement.

- Subd. 1. Enforcement duties. The official policing agency of the City of Nicollet shall enforce the provisions of this ordinance. Said official policing agency may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this ordinance.
- Subd. 2. Civil remedies. This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.
- Subd. 3. Penalties. Any violation of this is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed \$200. In all cases the city shall be entitled to collect the costs of prosecution to the extent outlined by law, Rules of criminal Procedure, and the Rules of Court. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

SECTION 4 Publication. The City Clerk is directed to publish a copy of this Ordinance in the Lafayette-Nicollet Ledger, a legal newspaper of Nicollet County, Minnesota.

Adopted by the City Council this 26<sup>th</sup> day of March, 1995.

  
David Engelhart, Mayor

  
Claus Peukert, City Clerk