

§ 130.09 NOISE.

(A) *Purpose.* It is recognized that loud, unpleasant, raucous, or prolonged noise has a harmful, debilitating, and detrimental effect upon human beings, adversely affecting their mental and physical health, safety, and well being. Loud, unpleasant, raucous, or prolonged noise is hereby declared to be a public nuisance. In an endeavor to provide for the mental and physical health, safety, and well being and for peaceful repose of the citizens and neighborhoods of the city, it is hereby declared to be in the public interest that loud, unpleasant, raucous, and unnecessary or prolonged noise be abated.

(B) *Prohibited noise.* The following are declared to be nuisances affecting public health, safety, peace, or welfare:

(1) 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 his or her enjoyment of property, or affects his or her property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. (This general prohibition is not limited by any specific restrictions provided in this section). **PLAINLY AUDIBLE** is defined as sound that can be detected by a person using their unaided hearing faculties;

(2) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules. Ch. 7030, as it may be amended from time to time, are hereby incorporated into this section by reference;

(3) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;

(4) The discharging of the exhaust or permitting the discharge of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(5) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and

(6) The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly manner so as to disturb the peace, quiet, and comfort of any person nearby.

(C) *Hourly restriction of certain operations.*

(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 equipment, except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.

(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 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(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 7:00 a.m. and 10:00 p.m.

(4) *Radios, music devices, paging systems, and the like.* The operation of any device referred to in division (B)(6) above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, 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.

(D) *Noise impact statements.* The City Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

(E) *Enforcement.* A peace officer may order all persons present in any group or gathering from which such noise emanates or other than the owners or tenants of a dwelling unit to immediately disperse from the party in lieu of being

charged under this section. Refusal to disperse is a violation of the section.

(F) *Street noise.* No person between the hours of 7:00 p.m. and 7:00 a.m. shall operate a radio, stereo, tape player, or any other mechanical device other than an automobile engine on the highways, streets, parking lots, alleys, sidewalks, or other public property within the city which is audible at a distance of 25 feet.

(Prior Code, § 6-1-10) Penalty, see § 130.99