

## 2801. NOISE

2801.010. DEFINITIONS. The following words and terms when used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

City Official - Any duly authorized representative of the City as designated by the City Administrator.

Highway - Any street, road or public way in the City.

L10 Level - The noise level, expressed in dBA, which is exceeded ten percent (10%) of the time for a one (1) hour survey, as measured by test procedures approved by the City Official.

L50 Level - The noise level, expressed in dBA, which is exceeded fifty percent (50%) of the time for a one (1) hour survey, as measured by test procedures approved by the City Official.

Motor Vehicle - Any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle except snowmobiles.

Noise - Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise Level - See sound level.

Person - An individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. And with respect to act prohibited or required herein, person shall include employees and licensees.

Sound Level (Noise Level) - The A-weighted sound pressure level, expressed in dBA, obtained by use of a sound-level meter having characteristics as specified in the American National Standards Institutes (ANSI) Standard SI-4-1983 Type 0, 1, 2 or S.

Sound Pressure Level (SPL) - Expressed in decibels (dB), is twenty (20) times the logarithm to the base ten of the ratio of the observed sound pressure to a reference pressure of twenty (20) micropascals.

2801.020. FEDERAL OCCUPATIONAL SAFETY AND HEALTH ACT. The following regulation is hereby adopted by reference and incorporated herein: Federal Occupational Safety and Health Act, Title 29 - Labor, Code of Federal Regulations, Chapter XVII (Occupational Safety and Health Administration, Department of Labor). Part 1910 (Occupational Safety and Health Standards). Subpart G (Occupational Health and Environmental Control). Section 1910.95 (Occupational Noise Exposure) June 27, 1974.

2801.030. MOTOR VEHICLE NOISE LIMITS. The Minnesota Pollution Control

Agency, Noise Pollution Control Section, NPC-4, Motor Vehicle Noise Limits, are hereby adopted by reference and incorporated herein.

2801.040. NOISE SOURCE REQUIREMENTS.

(A) 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 time limit set in Table 1 for the receiving land use category specified when measured at or within the property line of the receiving land use. The limits of the most restrictive district shall apply at the boundaries between different land use categories. The determination of land use shall be by its zoned designation.

**Table 1. Maximum Noise Levels by Receiving Land Use Districts**

	DAY		NIGHT	
	7:00am 10:00pm	to	10:00pm 7:00am	to
<b>Land Use District</b>	<b>L10</b>	<b>L50</b>	<b>L10</b>	<b>L50</b>
Residential or Medical	65	60	55	50
Retail or Office	70	65	70	65
Industrial	80	75	80	75

(B) Exemptions. The levels prescribed in Section 2801.040 (A) do not apply to noise originating on public streets and alleys, but such noise shall be subject to other applicable sections of this ordinance.

(C) Construction equipment, which may include but is not necessarily limited to front loaders, graders, cranes, pumps, saws, and generators, being operated at a construction site shall not exceed an L10 noise level of 85 dBA at a distance of 50 feet. See Section 2801.090 of this Chapter for hours of operation.

2801.070. CENTRAL AIR CONDITIONING EQUIPMENT. The City Official must approve the location of new installations of central air conditioning plants or equipment which are exterior to a building. If the City Official determines that it is impossible to position a central air conditioning unit an acceptable distance from adjacent properties, then an alternate method of compliance shall be approved screening or buffering which will meet the requirements of Section 2801.040 of this Chapter.

2801.060. SNOWMOBILE REQUIREMENTS.

(A) Every snowmobile shall be equipped with a muffler in good working order, good repair, and in constant operation to prevent excessive or unnecessary noise.

(B) No snowmobile manufactured on or after June 30, 1970, and before February 1, 1972, shall be sold or offered for sale unless it is equipped with a muffler which limits engine noise to not more than 86 decibels on the A-scale (dBA) at 50 feet.

(C) No snowmobile manufactured on or after February 1, 1972, shall be sold or offered for sale unless it is equipped with a muffler which limits engine noise to not more than 82 decibels on the A-scale (dBA) at 50 feet.

(D) No snowmobile manufactured on or after April 1, 1975, for sale in Minnesota, except a snowmobile designed for competition purposes only, shall be sold or offered for sale unless it is so equipped that overall noise emission does not exceed 78 decibels on the A-scale at 50 feet.

(E) No snowmobile manufactured on or after July 1, 1976, for sale in Minnesota, except a snowmobile designed for competition purpose only, shall be sold or offered for sale unless it is so equipped that overall noise emission does not exceed 73 decibels on the A-scale at 50 feet.

(F) At a time when the state of the art of noise control technology permits and after promulgation of a regulation in the manner prescribed by law, the standard for snowmobile noise shall not exceed 60 decibels on the A-scale at 50 feet.

(G) No person shall modify, alter, or repair a snowmobile or its exhaust system in any manner that shall amplify or otherwise increase total engine noise above that emitted by the snowmobile as originally equipped regardless of date of manufacture.

#### 2801.070. OPERATIONAL LIMITS.

(A) **Recreational Motor Vehicles.** No person shall operate any recreational motor vehicles at any time other than between the hours of 9 a.m. and 10 p.m. Sundays through Thursdays and between the hours of 9 a.m. and 1 a.m. Fridays and Saturdays and evenings before holidays.

(B) **Outdoor Power Implements.** No person shall operate any outdoor power implement, including but not limited to power lawn mowers, snowblowers, power hedge clippers, or such other implements designed primarily for outdoor use, at any time other than between the hours of 7 a.m. and 10 p.m. on weekdays and 9 a.m. on weekends and holidays.

(C) **Construction Activities.** No person shall engage in, permit, or allow construction activities involving the use of power equipment, including but not limited to any kind of electric, diesel, or gas-powered machine, on Sundays or at any time other than between the hours of 7 a.m. and 10 p.m. on weekdays and 9 a.m. and 9 p.m. on Saturdays. Construction activities which can meet the requirements outlined in Section 2801.040 are exempt from the operating limits of this paragraph.

(D) Refuse Hauling. All vehicles licensed in the City for hauling refuse shall limit their hours of operation as follows:

1. In residential zones, or any property in any zoning district that immediately abuts a residential zone, from 7 a.m. to 10 p.m. on weekdays and from 9 a.m. to 9 p.m. on weekends.
2. In all other zones, the hours of operation for the hauling of refuse shall be unrestricted unless a public nuisance is declared as defined in Section 2801.100 of this Code.
3. In the event that a nuisance is declared, the hours of pick-up in all zones other than residential shall be limited to those allowed in residential zones.

(E) Emergency Exceptions. Situations wherein immediate work is necessary to restore property to a safe condition or when immediate work is required to protect persons or property from eminent exposure to danger are exempt from operational limits.

2801.080. PUBLIC NUISANCE NOISES PROHIBITED. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the limits of the City. The following acts, among others, are declared to be nuisance noises in violation of this Article but said enumeration shall not be deemed to be exclusive.

(1) Horns, Signaling Devices, Etc.

- a. The intentional sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street, public place or private property within the City except as a danger warning;
- b. The creation by means of any such signaling device of any unreasonably loud or harsh sound;
- c. The intentional sounding of any such device for an unnecessary and unreasonable period of time;
- d. The use of any signaling device except one operated by hand;
- e. The use of any horn, whistle, or other device operated by engine exhaust.

(2) Radios, Phonographs, Etc. The use, operation or permitting the playing, use or operation of any radio receiving set, musical instrument, sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time at a louder volume than is

necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.

(3) Loud Speakers, Amplifiers for Advertising, Etc. The use, operation or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except as may be licensed by the City.

(4) Yelling, Shouting, Etc. Shouting, hooting, whistling or singing on the public streets particularly between the hours of 10 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, or of any persons in the vicinity.

(5) Animals, Birds, Etc. The keeping of any animal or bird which by emitting frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(6) Whistles. The blowing of any locomotive whistle or whistle attached to any stationary boiler except:

- a. To give notice of the time to begin or stop work;
- b. To give warning of fire or danger; or
- c. Upon request of proper City Authorities.

(7) Exhaust.

- a. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- b. Mufflers of the type commonly known as "Hollywood Mufflers" shall not be permitted.

(8) Defective Vehicles or Loads. The use of any automobile, motorcycle, or vehicle so out of repair or so loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(9) Loading, Unloading, Unpacking, Etc. The creation of a loud and excessive noise in connection with loading, unloading, or unpacking of any vehicle.

(10) Noises Near Schools, Courts, Churches or Hospitals. The creation of any

excessive noise on any streets adjacent to any school, institution of learning, church, court or hospital while the same is in use which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.

#### 2801.090. ENFORCEMENT.

- (1) Testing and Measurement Procedures. The City Official or his or her designee shall adopt guidelines establishing the test procedures and instrumentation to be used in enforcing the provisions of this section imposing noise standards. Those guidelines shall conform to the recommendations in *A Guide to Noise Control in Minnesota*, Minnesota Pollution Control Agency, 2015. A copy of such guidelines shall be kept on file in the office of the City Official or his or her designee and shall be available to the public for reference during office hours. Noise shall be measured on any property line of the tract on which the operation is located.
- (2) Studies. The City Official or his or her designee shall conduct research, monitoring and other studies related to sound as are necessary or useful in enforcing this ordinance and reducing noise in the city. He or she shall make such investigations and inspections in accordance with law as required in applying the provisions of this chapter.
- (3) Noise Impact Statements. The City Official or his or her designee 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 project that may be considered a potential noise source to submit a noise impact statement in a form acceptable to the Official. He or she shall evaluate each such statement and make appropriate recommendations to the City Council or other agency or officer authorized to take the action or approve the license or permit applied for.
- (4) Notice of Certain Violations. When the City Official or his or her designee or the City's law enforcement agency determines that a noise exceeds the maximum sound level permitted under this section, he shall give written notice of the violation to the owner or occupant of the premises where the noise originates and shall order such person to correct or remove each specified violation.

2801.100. EXCEPTIONS. It is recognized that under certain circumstances it would be impossible for a noise source to comply with the provisions of Section 2801.040 of this Chapter due to economic or technological reasons. In cases such as this, application for an exception may be made in writing to the City Official. The application shall contain the following pertinent information:

- a. Dates for exception requested;
- b. Location of particular noise source and times of operation;

- c. Equipment involved;
- d. Necessity for request of exception;
- e. Steps taken to minimize noise level from source; and
- f. Names of responsible persons.

The City shall notify by mail all property owners within five hundred (500) feet of the source in question of the requested exception. Applications will be reviewed by the City Official, and a decision to approve or deny the exception will be made in writing to the responsible persons within twenty (20) days of receipt.

2801.110. APPEAL OF EXCEPTION PROCESS. The decision made by the City Official concerning the exception request may be appealed to the City Council within ten (10) days after receiving the City Official's written decision. The appeal shall be filed in writing with the City Administrator who shall schedule a hearing before the City Council as soon as possible. A written report shall accompany the request for appeal. The report shall contain pertinent information which would adequately justify the request for an exception.

(Source: Ord. 171, 732, 845)