
ORDINANCE 102 REGULATION OF NOISE

Section 102.01: DECLARATION.

There have come into being within the city certain loud, avoidable, unnatural and unnecessary noises, which under certain circumstances and conditions, constitute a serious threat to the health, the welfare, the contentment and the feeling of well-being of our people. Therefore, the city council does declare that the doing of such things in a manner prohibited by, or not in conformity with, the terms of this Ordinance constitutes an undesirable noise and shall be punished as hereinafter provided.

Section 102.01: FINDINGS.

- (a) Excessive noise degrades the environment of the city and the city has a substantial and, in some cases, compelling interest in controlling such noise.
- (b) Excessive noise degrades the environment to a degree that:
 - (1) is harmful to the health, welfare and safety of its inhabitants.
 - (2) interferes with the comfortable enjoyment of life and property.
 - (3) interferes with the well-being, tranquility, and privacy of the home.
 - (4) causes and/or aggravates health problems.
- (c) Individuals are not required to welcome unwanted noise into their own homes and there simply is no right to force unwanted noise into the home of an unwilling listener and there is a compelling interest in prohibiting such noise on a content neutral basis.
- (d) Effective control and elimination of excessive noise is essential to the health and welfare of the city's inhabitants and to the conduct of the normal pursuits of life, including recreation and communication.
- (e) It is the intent of the city council to prevent excessive noise without unreasonably infringing upon the rights of the city's inhabitants and visitors.
- (f) It is the intent of the city council to prevent excessive noise, whenever possible, without substantially burdening the free exercise of religion and in every case within the constraints set by the Minnesota and U.S. Constitutions and applicable

CHAPTER X – NUISANCES & OFFENSES

statutes and this ordinance is intended to be interpreted as consistent with all such constraints.

- (g) The city's interest in regulating noise should and does take into account the time, place, and manner of such noise.
- (h) Certain short term easing of noise restrictions is essential to allow the maintenance and continuation of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the city.
- (i) Uses of sound amplifying equipment in certain ways and at certain times and places unreasonably invades the personal privacy, peace, and personal freedom of citizens and visitors of the city.
- (j) The city council feels obligated to reasonably regulate on a content neutral basis the time, place, and manner of using sound amplifying equipment in order to protect the correlative constitutional rights of the citizens and visitors of this community to personal privacy, peace, and personal freedom from diminishment by invasive and unwanted noise which is unnecessary or for which there are ample alternative channels.

Section 102.03: NOISES PROHIBITED. No person shall make or cause to be made any distinctly and loudly audible noise that is likely to unreasonably or unnecessarily annoy, disturb, injure or endanger 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 unlawful acts listed in Section 102.04.

Section 102.04: UNLAWFUL ACTS. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive.

Subd.1: Horns and Other Signal Devices. No person shall sound any horn or signal device on an automobile, motorcycle, bus, or other vehicle, except as a danger signal or traffic warning.

Subd. 2: Operation of Vehicles. No person shall use any automobile, pickup truck, motorcycle, or other vehicle which is not reasonably maintained and which causes noise which would be likely to cause significant discomfort or annoyance to a reasonable person or normal sensitivities present in the area.

Subd. 3: Exhaust Systems. No person shall discharge into the air loud noises through the exhaust of any vehicle, except through a working muffler system which will effectively prevent loud or explosive noises. All motor vehicles must be operated with muffler systems which comply with all applicable state laws and regulations.

Subd. 4: Engine Braking Prohibited.

CHAPTER X – NUISANCES & OFFENSES

- a) No person may slow a vehicle by the practice known as engine braking, also referred to as "jake braking" or "dynamic braking," whereby rapid downshifting of a vehicle's engine is used in lieu of applying a vehicle's brakes, causing loud noises to emit from the vehicle's engine and exhaust system. Engine braking by any motor vehicle on any public highway, street, parking lot or alley within the corporate limits of the City of St. Joseph is hereby declared to be a public nuisance and is prohibited.
- b) The foregoing provision shall not apply to emergency vehicles.

Subd. 5: Defective Vehicles or Loads. No person shall operate any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise which will disturb the comfort or repose of any persons in the vicinity.

Subd. 6: Amplified Sound From Vehicles. No person shall operate any electronic device used for the amplification of music or other entertainment or sound, which is located within a motor vehicle being operated on a public street or alley, or in commercial or residential parking facilities, which is audible by any person from a distance of 50 feet or more from the vehicle. When the sound violating this section is produced when the motor vehicle's owner is present when the violation occurs, it shall be a violation caused by the motor vehicle owner. If the motor vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation violating this section shall be the person in violation of this section.

Subd. 7: Loading, Unloading, Unpacking, and Opening of Boxes. No person shall create loud and excessive noise in loading, unloading, unpacking any vehicle, or the opening and destruction of bales, boxes, crates or containers.

Subd. 8: Amplified Sounds. No person shall operate or play any electronic device used for the amplification of sound in a distinct and loudly audible manner that is likely to disturb the peace, quiet, and comfort of another person at any time with louder volume than is reasonably necessary for convenient hearing of the person or persons who are in the room, vehicle, chamber, or immediate vicinity in which such device is being operated. Operation of any such amplified sound device 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 the property line if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

Subd. 9: Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering or permit any party or other gathering of people giving rise to noise, which is likely to disturb the peace, quiet, or repose of another person. When a police officer receives a complaint and 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 disburse immediately. No person shall refuse to leave after being

CHAPTER X – NUISANCES & OFFENSES

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. Any such noise is presumed to have the effect of disturbing the peace, quiet, or repose of another person if it is heard outside the limits of the real estate from which the party is occurring. Such a noisy party or gathering constitutes a violation of this ordinance.

Subd. 10: Animals. No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.

Subd. 11: Outdoor Implements and Lawn Equipment. Any outdoor implements or lawn equipment, such as a power lawnmower, snowblower, power hedge clipper, power saw, leaf blower, or trimmer, should be operated only between the hours of 7:00 AM and 9:00 PM. No leaf blowers shall be operated by any person without a muffler. A snowblower may be operated at any time during the pendency of an official snow emergency and at any time within twenty-four (24) hours following a snowfall of one inch or greater.

Subd. 12: Industrial Noise. Industrial or manufacturing activities which result in noise audible on residentially used areas shall be prohibited between the hours of 9:00 PM and 7:00 AM, and shall be prohibited if the noise exceeds the noise standards set forth in Minnesota Rule 7030.0040, or as it may hereinafter be amended. Minnesota Rules, Chapter 7030, and A guide to Noise Control in Minnesota, as adopted and revised from time to time by the Minnesota Pollution Control Agency, are hereby incorporated by reference into this section on industrial and manufacturing activities and made a part hereof. Residentially used areas shall be defined as any building or portion thereof designed or used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings without regard to their size or location within the City, plus any area within 500 feet of such building or portion thereof which is so used. Residentially used areas shall include any mixed use building which contains a dwelling unit, plus any area within 500 feet of such dwelling unit. Residentially used area shall not be established by the locations of building which are principally hotels, motels, or rooming houses.

Subd. 13: Construction Noise. Construction activities which result in noise audible on property other than that on which the activities are occurring shall be prohibited between the hours of 9:00 PM and 7:00 AM. Construction equipment subject to the restrictions on construction noise shall include, but not be limited to, the following: any vehicle or device used for the purposes of construction, or used to transport equipment, materials, supplies or debris to or from a construction site, including, but not limited to, a jackhammer, hammer drill, bulldozer, dump truck, front-end loader, bobcat, crane, or backhoe.

Subd. 14: Operation of Minibikes and Recreational Vehicles. No person shall, between the hours of 9:00 PM to 6:00 AM., drive or operate any minibike, or other recreational vehicle not licensed for travel on public highways. Snowmobiles and ATVs shall be controlled by the operation of the Snowmobile and ATV Ordinances and this Ordinance shall not cover the operation of snowmobiles.

Section 102.05: LANDLORD'S LIABILITY. Violations of the noise control regulations shall be the act of the owner of the residential dwelling unit even though he does not reside in the

CHAPTER X – NUISANCES & OFFENSES

unit as well as the persons on the premises who violate said regulations. The landlords operating license may be subject to suspension or revocation for the first violation, without the necessity of knowledge by the owner or warning that the property is/was operated or maintained in violation of this Ordinance. No suspension or revocation of a rental license shall occur until the licensed owner has been afforded an opportunity for hearing, as detailed in Ordinance 55 of the St. Joseph Code of Ordinances. For purposes of this section, owner is defined to include corporations and partnerships as well as individual owners.

Section 102.05: ENFORCEMENT.

Subd. 1: Enforcement Duties. The police department shall enforce the provisions of this Ordinance.

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

Subd. 3: Criminal Penalties. Every person who violates any provision of this Ordinance is guilty of a petty misdemeanor. Any individual who is convicted of three or more violations within a three year period shall be guilty of a misdemeanor. Plus, in either case, the costs of prosecution. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Section 102.06: Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part; and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision or part.