

Sec. 293.02. - Noise as a public nuisance.

(a) Generally.

- (1) It shall be unlawful for any person to make, continue, permit or cause to be made, continued or permitted within the city, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.
- (2) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of paragraph (a) of this section, shall include, without limitation, the following:
 - a. The time of day or night when the noise occurs.
 - b. The duration of the noise.
 - c. The proximity of the noise to a sleeping facility and/or a residential area.
 - d. The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.
 - e. The number of people and their activities that are affected or are likely to be affected by the noise.
 - f. The sound peak pressure level of the noise, in comparison to the level of ambient noise.

(b) Noisy assembly.

- (1) Defined. The term "noisy assembly" shall mean a gathering of more than one person in a residentially zoned or used area or building that would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities present in the area, considering the time of day and the residential character of the area, due to loud, disturbing or excessive noise.
 - (2) Permitting noisy assembly. It shall be a violation of this section for any person having dominion, care or control of a residentially zoned or used area or building knowingly to permit a noisy assembly.
 - (3) Remaining at a noisy assembly. It shall be a violation of this section to participate in, visit or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly, except any person(s) who has/have come to the gathering for the sole purpose of abating the noisy assembly.
- (c) Animals. It shall be a violation of this section to own, keep, have in possession or harbor any animal or animals which make any noise to the reasonable annoyance of another person or persons. The phrase "to the reasonable annoyance of another person or persons" shall include, but is not limited to, the creation of any noise by any animal or animals which can be heard by any person, including the animal control officer or a law enforcement officer, from a location outside of the building or premises where the animal or animals are located and which animal noise occurs repeatedly over at least a five-minute period of time with no more than a one-minute lapse of time between each animal noise during the five-minute period.
- (d) Amplified sound. It shall be a violation of this section to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties, and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the amplified sound.

(e) Motor vehicles.

- (1) Generally. It shall be a violation of this section to use any automobile, truck, motorcycle or other vehicle which causes or would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities present in the area due to loud, disturbing or excessive noise.
- (2) Amplified sound from motor vehicles. It shall be a violation of this section to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or alley, or in a commercial or residential parking facility, which is audible by any person from a distance of fifty (50) feet or more from the motor vehicle. When sound violating this section is produced or reproduced by any such device that is located in a motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this section is guilty of the violation.
- (3) Horns and other signals. It shall be a violation of this section to sound any horn or signal device on an automobile, motorcycle, bus or other vehicle, except as a danger signal or traffic warning, which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.
- (4) Application of the MPCA rules. No person shall operate a motor vehicle in the city in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency Rules, Sections 7030.1000 through 7030.1600.

(f) Penalties.

- (1) A violation of any section of this chapter is a misdemeanor, and a sentence of not more than ninety (90) days in jail, or a fine of not more than one thousand dollars (\$1,000.00), or both, may be imposed.
 - a. Each day a violation of this ordinance is committed or permitted to continue shall constitute a separate offense and may be punished separately.

(C.F. No. 02-653, § 1, 8-14-02; C.F. No. 05-264, § 2, 4-27-05)

Editor's note— C.F. No. 02-653, § 1, adopted August 14, 2002, amended the Code by repealing former §§ 293.02—293.04, and adding a new § 293.02. Former §§ 293.02—293.04 pertained to noisy assembly; motor vehicles; and horns and audible signaling, respectively; and derived from Ord. No. 16915, adopted May 20, 1982; and Ord. No. 17448, adopted April 28, 1987.