

Ordinance No. 6 Second Series

NOISE CONTROL ORDINANCE

The City Council of Badger Ordains:

Section 1. Noise Prohibited.

Subd. 1. General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, inures 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 Minnesota Statute §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, ATV, recreational vehicle or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises there from and complies with all applicable state laws and regulations. No person shall permit noise from idling diesel engines between the hours of 10:00 p.m. and 7 a.m.

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, machine 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, machine or other device between the hours of 10:00 p.m. and 7:00 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. 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 person 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 time between each animal noise during the three minute period; or

C. The animal noise can be heard from a location outside the building 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, church or hospital 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. Recreational Vehicles. No person shall, between the hours of 10:00 p.m. and 7:00 a.m. drive or operate any minibike, snowmobile or other recreational vehicle licensed for travel on public highways. Any person(s) operating the minibike, snowmobile or recreational vehicle after or before said hourly restriction must only be returning from or departing to the city outskirts. All recreational vehicles must use the designated routes while driving within the city.

Subd. 2. 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 7:00 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. Snow removal equipment and refuse hauling equipment is exempt from this provision.

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

Section 3. Enforcement.

Subd. 1. The Roseau County Law Enforcement Center shall enforce the provisions of this ordinance. The Roseau County Law Enforcement Center 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. Criminal Penalties. Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed \$100. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$700 or imprisonment for a term not to exceed 90 days, or both. 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 Rules of the Court. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Section 4. Effective date. This ordinance becomes effective on the date of this publication.

Approved:
Charles Walsh, Mayor

Attest:
Pam Monsrud, Clerk-Treasurer

This ordinance was published on the 1st day of December 2001 in the Roseau-Times Region.