

ORDINANCE NO. 61

ORDINANCE REGULATING NOISE

The City Council of the City of Forada, possessing the powers enumerated in M.S.A. Section 412.221, ordains:

1. **General Restrictions.** It shall be unlawful for any person to make or assist in making, permit or allow the making of any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in the City of Forada.
2. **2.1 Prohibited Noises.** The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Ordinance, but this enumeration is not inclusive:
  - A. The continual sounding of any horn, siren, or other signaling device on a motor vehicle, except in cases of imminent danger or emergency; or the amplification of sound emitted by such signaling device beyond that of its design. Burglar alarms, sirens or similar devices installed and operated for the use specified by the manufacturer are exempt from the provisions of this Section.
  - B. Attracting the attention of the public to any business, building, structure, vehicle, or other area by creating a disturbing noise including, but not limited to, crying out, sounding a horn, ringing a bell, or issuing music or sound broadcasts through any radio receiving set, musical instrument, phonograph, stereo, loud speaker, sound amplifier, or other machine or device for the production or reproduction of sound. In addition, no person shall create loud or disturbing noise through the use of any such sound production or reproduction devices in any activities or proceedings of a business including, but not limited to, the use of loud speakers for communications. If speaker or sound systems are required by law for safety reasons, businesses shall be exempt from the provisions of this section.
  - C. The loading or unloading of any motor vehicle or handling any bales, boxes, crates, or containers in such a manner as to cause loud, unnecessary or disturbing noise.
  - D. Disturbing noise on any street adjacent to any school, learning institution, religious institution or Court or adjacent to any hospital or home for the aged, or other similar institutions which interferes with the working of such institution or unreasonably disturbs or annoys inhabitants of the institution, provided that conspicuous signs indicating the presence of such institutions are clearly displayed.

- E. The operation of any motor vehicle, mini bike, all-terrain vehicle or other similar vehicle or device in any way which results in the squealing of tires or the creation of any other disturbing noise on any highway, private road, public or private parking lot, driveway, or other property in the City, except when there is reason to do so for the safe operation of the vehicle.
- F. The operation of an internal combustion engine or the repairing, rebuilding, building or testing of vehicles or equipment in such a manner as to create disturbing noise.
- G. Operation of earthmoving or related construction equipment on residential property for more than five (5) days within a thirty (30) day period, except during construction or remodeling activity for which a building or grading permit has been obtained.
- H. The operation of a public address or sound amplification system in any public or private park.
- I. A radio receiving set, musical instrument, phonograph, stereo, or other machine or device used for reproduction of sound, used or operated in such a manner as to disturb the peace, quiet, or comfort of others in its vicinity. The operation of any receiving set, instrument, phonograph, stereo machine or device between 11:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section if done in such a manner as to be plainly audible
  - 1. at the real property boundary of the building, structure or residence, or other area in which it is located, or
  - 2. at a distance of 50 feet from any motor vehicle or portable site in which it is located.
- J. Any disturbing noise in any multi-use apartment building audible beyond the property line of the area or premise owned, rented, leased, or used by such person.
- K. Participation in any party or gathering which creates loud or disturbing noises between the hours of 10:00 p.m. and 7:00 a.m. as determined at the property line of the building, structure, rental unit, or other enclosure in which such party or gathering occurs. In the event that such party or gathering is determined by a City official to violate this Ordinance, all persons except the owner, renter, lessee or other occupant shall promptly leave the premises in an orderly manner.

## 2.1 Definitions

Section 2.1 Prohibited Noises uses the following terms:

- A. Loud, disturbing, and unnecessary noises;
- B. Disturb the peace, quiet, or comfort of others in its vicinity;
- C. Disturbing noise;
- D. Loud or disturbing noise(s).

All of these terms, as used in Section 2.1, shall mean:

1. Any sound measured at any time in excess of 70 decibels at the property line of the site which is the source of the sound, or at 50 feet from any motor vehicle or other portable site which is the source of the sound.
2. Any sound measured in excess of 60 decibels at the property line of the site which is the source of the sound, or at 50 feet from any motor vehicle or other portable site which is the source of the sound, between the hours of 11:00 p.m. and 7:00 a.m.

## 3. Operational Limits for Various Sound Sources.

- A. No person shall engage in, permit, or allow construction or grading activities involving the use of power equipment, or other activities resulting in loud or disturbing noise at any time other than between 7:00 a.m. and 10:00 p.m.
- B. No person may operate any outdoor power implements including, but not limited to, power lawn mowers, power hedge clippers, power saws, or other such implements at any time other than between 7:00 a.m. and 10:00 p.m. Operation of equipment for snow removal shall be exempt from the provisions of this Section when initiated within twelve (12) hours of completion of the recent snowfall.
- C. No person shall drive or operate any mini bike, all-terrain vehicle, snowmobile, or other similar recreational vehicle not licensed for travel on public streets at any time other than between 7:00 a.m. and 10:00 p.m. on any day of the week.

**4. Exceptions to Regulations.** The foregoing regulations shall not be applicable to:

- A. Noise necessary for the protection or preservation of property or the health, safety, or life of a human being.
- B. The operation of motor vehicles on public streets and highways in compliance with State and local laws:

- C. Operation of locomotives and railroad cars;
- D. Sirens or warning devices used by public safety personnel in emergency situations; and
- E. Emergency work such as utility maintenance and snow removal necessary to restore public service or to eliminate a hazard, or maintenance activities conducted or contracted for by the City of Forada.
- F. Noise resulting from functions for which the City of Forada has issued a permit, including, without limitation, permits granted pursuant to Ordinance No. 44, as amended by Ordinance Nos. 55 and 57.

5. **Variations.** The City Council may permit variations from the strict compliance of any of the provisions of this Ordinance if there are special circumstances or conditions that exist and the granting of such a variance will not materially affect the health, safety or general welfare of the public. The City Council, in their discretion, may require notification of property owners if a variance to the provisions of this Ordinance is to be considered.

6. **Penalty.** Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor. As an additional remedy, any such violations may be subject to abatement, injunction, or other appropriate action issued by a Court of competent jurisdiction. Each day a violation continues to exist shall constitute a separate violation.

Passed by the Forada City Council this 9<sup>th</sup> day of April, 2007.

Yes: Kevin, Steve, Michaela, Ruby

No: none

Absent: 0

Mayor: *Steve Morgan*

Attest: *Ruby Benson*

Clerk

STATE OF MINNESOTA )  
County of Douglas ) ss.

Jody Hanson, being duly sworn, on oath says that she is the publisher of the newspaper known as the Echo Press and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed City of Forada Ordinance No. 61, which is attached was cut from the columns of said newspaper, and was printed and for one issue; it was published on Wednesday, the 18th day of April, 2007 and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

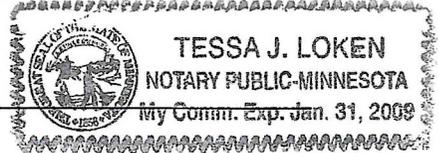
abcdefghijklmnopqrstuvwxy

BY: Jody Hanson

TITLE: Publisher

Subscribed and sworn to before me on  
this Wednesday, the 18th day of April, 2007.

Tessa J. Loken  
Notary Public



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 3034  
(Line, word, or inch rate)
- (2) Maximum rate allowed by law for the above matter \$ 3034  
(Line, word, or inch rate)
- (3) Rate actually charged for the above matter \$ 1175  
(Line, word, or inch rate)

