

ORDINANCE NO. ~~135~~ AN ORDINANCE OF THE CITY OF HOKAH
CONCERNING NOISE CONTROL IN THE CITY,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF
AND AUTHORIZING ACTIONS TO ABATE

The City of Hokah, Houston County, Minnesota hereby ordains:

SECTION 1: NOISE PROHIBITED. Subdivision 1. General prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, 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.

Subdivision 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 Minn. Stat. 169.68.

Subdivision 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, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulation.

Subdivision 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.

Subdivision 5. Loading, unloading, unpacking. No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

Subdivision 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, quite, 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.

Subdivision 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.

Subdivision 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.

Subdivision 9. Animals. 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 persons 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 of time between each animal noise during the three minute period, or

C. The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noise 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.

Subdivision 10. Schools, churches, hospitals, etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, 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. Subdivision 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 not licensed for travel on public highways.

Subdivision 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 is exempt from this provision.

Subdivision 3. Refuse hauling. No person shall collect or remove garbage or refuse in any residential district 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.

Subdivision 4. 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. on any weekday and between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

SECTION 3 captioned ENFORCEMENT needs to be revised from the draft provided by the League. Our preliminary impressions are that it should read something like this:

SECTION 3: ENFORCEMENT. Subdivision 1. Enforcement duties. The police department, or such other officer as may be designated by the City Council, shall enforce the provisions of this ordinance. The enforcement officer may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this ordinance.

Subd. 2 This ordinance may be enforced by Equitable action for injunction, action for abatement, or other appropriate civil remedy.

Subd. 4 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 as provided dispositionally by the laws of the State of Minnesota for petty misdemeanors. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall be dispositionally subject to a fine and or imprisonment as provided by the general laws of the State of Minnesota for conviction of misdemeanor offences. This classification of violations, other than those having to do with motor vehicles notwithstanding, the enforcement officer may in its discretion charge any violation of this ordinance a petty misdemeanor. In all cases the city shall be entitled to collect the costs of prosecution to the extent outline by law, Rule of Criminal Procedure, and the Rule of Court. Each violation and each day a violation occurs or continues constitutes a separate offense.

This Noise Ordinance shall be in full force and effect from and after its passage and enactment and publication as provided by law.

Passed and enacted this 6 day of September, 2005, by the Hokah City Council.

APPROVED:

Mayor

Mike Webb Jr.

ATTEST:

Kerri Mjeran

City Administrator