

## NOISE CONTROL ORDINANCE

*An ordinance providing controls relating to noise, providing for the elimination and prevention of prohibited noise and imposing penalties for violations.*

The City of Rushford ordains:

### **Section 1. Noises Prohibited.**

Subd. 1. General prohibition. No person shall intentionally 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.

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 Minn. Stat. 169.68.

Subd. 3. 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 11:00 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. 4. 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. Noise that is 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.

**Section 2. Enforcement.**

Subd. 1. Enforcement duties. The police department of the City of Rushford shall enforce the provisions of this ordinance. The police department 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. Noise impact statements. The council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

Subd. 4. Criminal penalties. Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor. Every person who violates any other provision of this ordinance is guilty of a misdemeanor. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

**Section 4. Effective Date.**

This ordinance becomes effective \_\_\_\_\_ 2001.

Passed by the City Council this 9<sup>th</sup> day of April, 2001.

Deon F. Mocher  
Mayor

Attest:

Kathy Zacher  
Clerk

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