

ORDINANCE NO. 61 NOISE

TOWNSHIP OF GREY CLOUD ISLAND, WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING A POLICY REGULATING NOISE:

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1: INTENT:

The purpose of this ordinance is to protect and promote the public health, safety, and general welfare by restricting activities which emit noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or persons, or precludes their enjoyment of property. A person is guilty of violating this section if that person's actions:

- A. Cause a reasonable person or reasonable persons to be annoyed, disturbed, or injured.
- B. Endanger a reasonable person's or reasonable persons' comfort, repose, health, peace, safety, or welfare.
- C. Preclude a reasonable person or reasonable persons from the enjoyment of their property.
- D. Adversely affect a reasonable persons or persons property value.

2: Noise:

Noise emanating from any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations Noise Pollution Control, as amended. Where MN Statues conflict with this ordinance the more restrictive shall apply.

3: DEFINITIONS:

Words and phrases defined in this section have, when used in this chapter, the meaning given below. Any other word or phrase used in this chapter and defined in regulations of the Minnesota pollution control agency noise pollution control rules chapter 7030, has the meaning given in those regulations.

AIR CIRCULATION DEVICE: A mechanism designed and used for the controlled flow of air used in ventilation, cooling, or conditioning, but not limited to central and window air conditioning units.

COMPRESSION RELEASE BRAKE: Includes the use of any engine retarding brake system to alter the normal compression of the engine thereby converting the engine into an air compressor for the purposes of braking without the use of wheel brakes (commonly known as a "Jake brake, or engine compression brake").

DESIGNATED HOLIDAY: Includes New Year's Day (January 1), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November), the day after Thanksgiving Day (the fourth Friday in November), and Christmas Day (December 25).

POWER EQUIPMENT: Includes, and is not limited to, saws, jackhammers, nail drivers, impact wrenches, air compressors, and domestic power maintenance equipment including, but not limited to, lawn mowers, hedge clippers, grass/weed trimmers, garden tillers, chain saws, leaf blowers, and woodchippers.

UNNECESSARY OR EXCESSIVE NOISE: Any sound which because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the township.

4: EXCEPTIONS:

The following uses, activities and other similar events specified below, but not limited to, are exempted from this chapter:

- A. Snow removal motorized vehicles, equipment, and operations.
- B. Emergency backup generators operated during power outages and during routine maintenance operations. Engines shall be properly muffled and maintained.
- C. Repairs of utility structures, which are damaged, in disrepair, or out of service and such condition poses a clear and immediate danger to life, health, or significant loss of property.
- D. All public projects performed by a governmental agency or their agents.
- E. Trains, airplanes, general road noises.
- F. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, public safety activity, or imminent danger, and all sounds associated with city responses to emergency events.
- G. Antitheft devices, burglar, and fire alarms.
- H. Government sponsored activities. Certain activities related to public entertainment, including, but not limited to, outdoor gatherings, public dances, shows, Fourth of July fireworks, city sponsored concerts in public parks, licensed carnivals and parades, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.
- I. Refrigeration units on delivery vehicles while conducting deliveries.
- J. Street sweeping.
- K. Agricultural equipment and machinery when being used in conjunction with agricultural related activities.
- L. Work preapproved by the township.

5: NOISY GATHERINGS:

A. Hours: Between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M., no person shall congregate or participate in any party or gathering of people from which noise emanates of sufficient volume to unreasonably disturb the peace, quiet or repose of other persons, except as allowed by the township.

B. Order to Disperse: A police officer may order all persons present at such party or gathering other than the owners, residents or tenants to immediately disperse. Any person who refuses to leave after being ordered to do so is guilty of a violation of this section.

C. Owner's Responsibility:

1. Any owner, tenant or resident of the building or place who has legal authority to control the activities at the building or place and who knows or has reason to know of the disturbance and fails to immediately take reasonable steps to abate such disturbances is guilty of violating this section.

2. Any owner, tenant, visitor, or resident of the building or place who has legal authority to control the activities at the building or place and who knows or has reason to know of the disturbance and fails to immediately take reasonable steps to abate such disturbances is guilty of violating this section.

6: AMPLIFIED SOUND:

A. No person shall use or operate, or permit the use or operation of a manually operated sound generating device, electronic sound system, audio equipment, or any other device designed for the amplification, production, or reproduction of sound, in an unnecessary or excessive manner.

B. It shall be presumed that a violation of this section has occurred when any manual sound producing device, electronic sound system, or audio equipment is operated in an unnecessary or excessive manner, clearly audible beyond the property between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.

C. It shall be presumed that a violation of this section has occurred when any manual or electronic sound system or audio equipment is operated in an unnecessary or excessive manner between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

D. When noise violating this section is produced by manual, electronic sound system, or audio equipment that is located in or on a vehicle, the driver of the vehicle and the person who owns or is in control of the vehicle is guilty of the violation.

7: MOTOR VEHICLES:

A. No person shall use, operate or permit operation of any car, truck, motorcycle, motorboat, all-terrain vehicle, snowmobile, recreational vehicle or other motor vehicle in such a way that creates an unnecessary acceleration, screeching tires, revving engines, or excessive noises.

B. No person shall engage in repair or service of any vehicle or other equipment where the noise from that activity is clearly audible beyond the property lines on which the repair or servicing is being conducted between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M.

C. No person shall intentionally use an engine compression braking system on a public road, highway, street, parking lot, or alley located within the township limits, except in an emergency.

8: LOADING AND UNLOADING:

Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, construction equipment, refuse, or similar objects between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M. shall not be audible beyond the property line. The driver of the vehicle and the person who owns or is in control of the vehicle is guilty of the violation.

This section does not apply to refuse hauling and/or recycling collection operators within the township. Operators for refuse hauling and recycling collection shall only conduct operations between five thirty am 5:30AM and six pm 6:00PM, except in emergency operations requiring debris removal or as otherwise allowed by the township.

9: CONSTRUCTION, EXCAVATION, REPAIR AND DEMOLITION ACTIVITIES:

A. The use of any mechanical or power equipment or tool operated by fuel, battery or electric power in construction, repair or demolition is allowed between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M., Monday through Friday and between the hours of nine o'clock (9:00) A.M. and seven o'clock (7:00) P.M., Saturday.

B. The use of any mechanical or power equipment or tool operated by fuel or electric power between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M., Monday through Friday and between the hours of seven o'clock (7:00) P.M. and nine o'clock (9:00) A.M., Saturday is allowed only if the work is performed inside an enclosed building. Temporary enclosures comprising of plastic sheeting, tarps or similar materials do not constitute an enclosed building.

C. Construction, repair and demolition activities are prohibited on Sunday and designated holidays.

D. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

E. Unnecessary idling of internal combustion engines is prohibited.

F. All stationary noise generating construction equipment such as tree grinders, power generators and air compressors are to be located as far as is practical from existing residences.

G. Use of pile drivers, sources of impulsive sound and jackhammers shall be prohibited on Sundays and designated holidays, except for emergencies or as approved in advance by the building official.

H. A residential property owner or tenants of residential property may conduct construction activities and power equipment on their residentially used property on weekdays between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. and weekends and designated City holidays from eight o'clock (8:00) A.M. to nine o'clock (9:00) P.M.

10: ANIMAL NOISE: Animal noise is regulated by Ordinance 56 Animals.

11. Mining Noise: Shall be regulated by ordinance 49.2 or most current zoning ordinance.

12: Enforcement:

GENERAL PENALTY:

A. Violation; Penalties: Violation of a provision of this code is a misdemeanor, punishable by a fine or imprisonment or both. Each act of violation and each day on which a violation occurs or continues is a separate violation. Violation shall be a misdemeanor and the violator, upon conviction, shall be punished by a fine not to exceed \$700, or imprisonment for a period not to exceed 90 days, or both.

B. In the event of a violation or a threatened violation of this Ordinance, the Governing Body, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Adopted this 12th day of April 2023

Attest: Pamela J. Dwyer
Clerk

<p>Chair</p> <p>Grey Cloud Island Township</p> <p>Approved</p> <p><u>[Signature]</u>, Chair</p> <p>Board of Supervisors</p> <p>Date <u>4/12/23</u></p>
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