

ORDINANCE 456

AN ORDINANCE TO AMEND THE ZONING APPENDIX "A" (ZONING ORDINANCE) OF THE MUNICIPAL CODE OF ADA, MINNESOTA

THE CITY COUNCIL OF THE CITY OF ADA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 10. Subd. 4. A. of the Zoning Ordinance of the Municipal Code of the City of Ada, Minnesota shall be repealed and a new Subd. 4. A. shall be adopted to read as follows:

A. Prohibited noises and acts.

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 persons, or precludes their enjoyment of property, or adversely affects their property's value. A person guilty of violating this section is guilty of a misdemeanor.

The noises and acts set forth in the following subsections are declared to be prohibited noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

- 1) *Horns and signaling devices.* No person shall sound any horn or signaling device on any vehicle, except as a warning of danger, as required by Minn. Stat. § 169.68;
- 2) *Radios, phonographs, paging systems, and similar devices.* No person shall use or operate, or permit the use or operation of, any electronic sound system or audio equipment including, but not limited to, any compact disc player, cassette tape player, AM-FM radio, citizen band radio, paging system, musical instrument, phonograph, or any other device designed for the production or reproduction of sound, in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby.
 - a. It shall be presumed that a violation of this section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m. It shall be presumed that a violation of this section has occurred when any electronic sound or audio equipment is operated in a manner in which it is plainly audible, at a distance of 100 feet or more, between the hours of 7:00 a.m. and 10:00 p.m.;

- b. When noise violating this section is produced by an 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 may be guilty of the violation;
 - c. This section shall not apply to sound produced by the following:
 - i. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
 - ii. Church bells, chimes or carillons, school bells, or emergency civil defense warning signals;
 - iii. Antitheft devices;
 - iv. Machines or devices for the production of sound on or in authorized emergency vehicles;
- 3) *Loudspeakers, amplifiers for advertising.* No person shall operate or permit the use of operation of any electronic sound system, audio equipment, loudspeaker, sound amplifier, or any 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;
- 4) *Exhausts.* No person shall discharge 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 which effectively prevents loud or explosive noises which complies with all applicable state laws and regulations;
- 5) *Construction-related activities.* No person shall engage in the following activities between the hours of 10:00 p.m. and 7:00 a.m. daily:
- a. Construction, installation and maintenance of utility and street projects;
 - b. Operation of tools and domestic maintenance equipment powered by external air compressors or internal combustion engines including, but not limited to, use of lawn mowers, hedge clippers, chain saws, garden tillers, or other similar domestic power maintenance equipment. Snow removal and street sweeping equipment are exempt from this subsection;
 - c. Repair and servicing of vehicles or other equipment where the noise from that activity is audible beyond the property lines on which the repair or servicing is being conducted;
 - d. Exterior construction, remodeling, repair or maintenance of structures;
 - e. Exceptions: The performance of city or state authorized, sponsored, or licensed work to preserve the public health, safety or welfare, or in the performance of work necessary to restore public service or eliminate a public hazard shall be exempt from the restricts of this section. Any

person responsible for such work shall take all reasonable actions to minimize the amount of noise;

- 6) *Noisy parties and gathering.* No person shall permit or participate in any party or other gathering of people, on public or private property, giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. It shall be presumed that a violation of this section has occurred when any noise from a gathering is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m.:
- a. When a police officer has probable cause that a violation of this section has occurred the officer may order all persons present, other than the owner or tenant of the premises, to disperse and leave the premises immediately. It shall be a violation of this section for any person to refuse to leave after being so ordered by the police officer;
 - b. Exceptions: The following are exempt from violation of this section:
 - i. Activities which are duly authorized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
 - ii. Persons who have gone to a party for the sole purpose of abating the violation.

7) *Penalty.* A person guilty of violating this section is guilty of a misdemeanor.

SECTION 2. *Effective Date.* This Ordinance shall be effective thirty (30) days after publication.

Upon being put to a vote, the above Ordinance was duly passed after a second reading by the City Council of the City of Ada this 15th day of May by the following vote:

Ayes: Austinson, Robertson, Peterson, Erickson, Edwards, Hansen, Pinsonneault.

Nays: None.

Absent: None.

Dennis K. Roux, Mayor

ATTEST:

Kristi Henderson, Interim Clerk / Treasurer