

Chapter 20

AN ORDINANCE REGULATING EXCESSIVE NOISE IN THE CITY OF ECHO.

The City Council of the City of Echo does ordain:

Section 1. Purpose and Intent. The purpose of this Ordinance is to regulate excess noise in the City of Echo pursuant to Minnesota Statute 116.07, Minnesota Statute 169.693, and Minnesota Noise Pollution Control Rules Chapter 7030.

Section 2. Noise Prohibited:

- A. **General Prohibition.** No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, 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, or violates any state standard relating to noise. This general prohibition is not limited by specific restriction of the following subsections of this Section.
- B. **Motor Vehicles.** No person shall operate a motor vehicle, including automobiles, trucks and pickup trucks, motorcycles, ATV's (all-terrain vehicles), carts, snowmobiles, and various other motor and recreational vehicles, within the City limits in violation of the motor vehicle noise limits established by the Minnesota Pollution Control Agency, pursuant to Minnesota Statutes, 169.693, as it may be amended.
- C. **Obnoxious Noises.** All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Rules Chapter 7030, as they may have been amended from time to time, are hereby incorporated in this Ordinance by reference.
- D. **Horns, Audible Signaling Devices, Etc.** No person shall sound any audible siren, horn or signaling device on any vehicle except as a warning of danger or emergency, pursuant to Minnesota Statutes 169.69, as it may be amended.
- E. **Vehicles Out of Repair.** No person shall operate any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
- F. **Exhaust.** No person shall discharge or permit the discharge of exhaust from any statutory internal combustion engine, motorboat, motor vehicle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
- G. **Radios, Televisions, Musical Instruments, Music Device, Paging System, Machine or Any Device for Producing or Reproducing Sound.** No person shall use or operate or permit the use or operation of any radio receiving set, television, musical instrument, music device (including CD's and boom boxes), paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. The operation of radios, televisions, musical instruments, music devices (CD's and boom boxes), paging systems, machines or other devices for producing or reproducing sound between the hours of 10:00PM and 7:00AM in a manner so as to be plainly audible at the property line of the structure or building in which it is located, 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.

- H. **Participation in Noisy Parties or Gatherings.** No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet, or repose of another person. If a law enforcement officer determines that such a gathering is creating a disturbance, the law enforcement officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to leave immediately. No person shall refuse to leave after being ordered by the law enforcement officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance is stopped.
- I. **Human Noise.** Yelling, shouting, screaming, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort, or repose of any persons in any office, dwelling, other place of residence, or in the vicinity of the source is prohibited.
- J. **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. Exceptions shall include a special event or concert that has been prior approved by the City Council. An exception shall also be allowed for indoor and outdoor music played at a business establishment.
- K. **Animals.** No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued use, such as frequent and continued barking, howling, or other noise from any animal or bird not confined within a building.
- L. **Schools, Churches, Hospitals, Etc.** No person shall create any excessive noise on any street, alley, or public place adjacent to any school, institution, church, or hospital if the noises unreasonably interfere with the working of the institution and disturbs or unduly annoys its occupants or residents or when posted signs indicate the presence of such institutions.
- M. **Dynamic Braking Devices.** No person shall use motor vehicle brakes that are in any way operated or activated by the compression of the engine in any motor vehicle upon any public ways located within the City limits, including but not limited to, highways, streets, alleys, easements, or rights-of-way. An affirmative defense to prosecution under this subdivision shall demonstrate that the compression brakes were applied in an emergency situation or were considered necessary to prevent immediate or unanticipated danger to life or property.
- N. **Loading, Unloading, Unpacking.** No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle. This included the loading or unloading of any motor vehicle in such a manner as to create loud and unnecessary grinding, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.
- O. **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 equipment, except between the hours of 7:00AM and 10:00PM on any weekday

or between the hours of 7:00AM to 10:00PM on any weekend or holiday. Snow removal equipment is exempt from this provision.

- P. 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 7:00AM and 10:00PM on any weekday or between the hours of 7:00AM and 10:00PM on any weekend or holiday.

Section 3. Exceptions.

- A. Emergency Work. Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public service or eliminate a public hazard shall be exempt from the provisions of this Ordinance for a reasonable period of time. Persons responsible for such work shall inform the City of the need to initiate such work or, if the work is commenced during no-business hours of the City, at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

Section 4. Enforcement Duties. The Yellow Medicine County Sheriff's Department or other designated law enforcement agency shall enforce provisions of this Ordinance. The Sheriff's Department or other designated law enforcement agency may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this Ordinance.

Section 5: Civil Remedies. This Ordinance may be enforced by injunction, action for abatement or other appropriate civil remedy.

Section 6. Criminal Penalties. Every person who violates any provision of the Ordinance is guilty of a misdemeanor. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

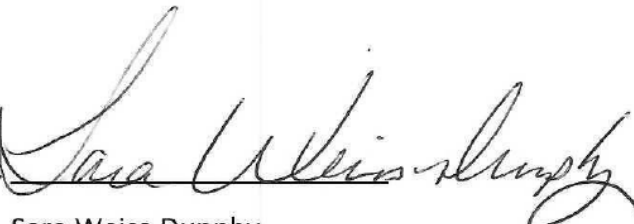
Section 7. Severability. If any provision of this Ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of this Ordinance and application of this Ordinance and application of this Ordinance to any other situation shall not be invalidated.

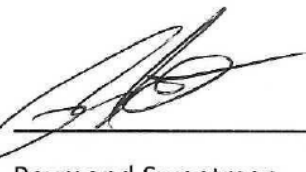
Section 8. Repeal. All ordinances, resolutions, and acts and proceedings of the City and of the Council which are inconsistent with the terms of this Ordinance are hereby amended or repealed to the extent necessary to give full force and effect to this Ordinance.

Section 9. Effective Date. This Ordinance becomes effective from and after its passage and publication.

Passed by the City Council of Echo this 14th day of September 2021.

Attest:


Sara Weiss-Dunphy
Clerk/Treasurer


Raymond Sweetman
Mayor

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