

## Section 1050 - Noise Control Regulations

Section 1050:00. Unlawful to Make Loud or Unnecessary Noises. It will be unlawful for any person to make, or cause to be made any loud, unnecessary or unusual noise, which either annoys, disturbs, or affects the comfort, repose, health, or peace of others.

Section 1050:05. Unlawful Acts. The following acts set forth in the following subdivisions are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but this enumeration is not exclusive.

Subd. 1. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning;

Subd. 2. Radios, Tape and Disc Players, etc. The using, operating, or permitting to be played any radio tape or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person of ordinary sensibilities.

(a) The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of 50 feet from such machine or device will be prima facie evidence of a violation of this section.

(b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation. However, if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

(c) This section will not apply to sound produced by the following:

- (1) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City of St. Cloud, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
- (2) Church bells, chimes or carillons.
- (3) School bells.
- (4) Anti-theft devices.
- (5) Machines or devices for the production of sound on or in authorized emergency vehicles.

(d) With the exception of the machines or devices listed in subsection (c), this section will apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.

Subd. 3. Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting

to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

Subd. 4. Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity;

Subd. 5. Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise will disturb the comfort or repose of any persons in the vicinity;

Subd. 6. Whistles or Sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning of fire or danger, or by public emergency vehicles;

Subd. 7. Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom;

Subd. 8. Vehicle and Truck Noise. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling which will disturb the comfort or repose of any persons in the vicinity, or such other noise emitted from an automobile, motorcycle or vehicle in violation of Minn. R. ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference;

Subd. 9. Sound Trucks for Advertising Purposes. The use of sound trucks or any other vehicle equipped with sound amplifying devices for the purposes of advertising any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization;

Subd. 10. Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers;

Subd. 11. Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration, or repair of any building between the hours of 9 p.m. and 6 a.m. on week days and all day Sunday except where single individuals or families work on single family residences for their own occupancy owned by them, except that the Building Inspector may, in cases of emergency, grant permission to repair at any time when it is determined that such repair work will not affect the health and safety of the persons in the vicinity;

Subd. 12. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street or private property which unreasonably interferes with any school, institution of learning, church, court, or hospital while the same is in use.

Subd. 13. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood;

Subd. 14. Pile Drivers, Hammers, etc. The operation between the hours of 9 p.m. and 6

a.m. of any pile driver, power shovel, pneumatic hammer, derrick, power or electric hoist, or other appliance the use of which is attended by loud or unusual noise;

Subd. 15. Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of aerating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise;

Subd. 16. Noisy Parties and Gatherings.

- (a) Prohibition. No person will, between the hours of 10:00 p.m. and 7:00 a.m. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person will knowingly remain at such a noisy party or gathering.
- (b) Evidence. Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, will be prima facie evidence of a violation of this section.
- (c) Duty to Disperse. When a police officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person will knowingly remain at such a party or gathering.
- (d) Exceptions. The following are exempt from violation of this section:
  - (i) Activities which are duly authorized, sponsored or licensed by the City of St. Cloud, 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.
  - (iii) Persons who have gone to a party for the sole purpose of abating the violation.
- (e) Penalties. Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at such party or gathering, is guilty of a misdemeanor. Any person who refuses to disperse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a misdemeanor.

Subd. 17. Exemptions Authorized by the St. Cloud City Council. Upon special request made by contractors, the Council may exempt contractors performing public works operations from time prohibitions set forth within this ordinance.

Subd. 18. Exceptions. The following uses and activities are exempt from this Section as specified below:

- a) 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 hazard, including emergency street and utility repairs and cleaning. This shall include equipment, but is not limited to, pile drivers, jackhammers, cranes, scrapers, dump trucks, backhoes, bulldozers, jet trucks, vector trucks and other construction equipment.

- b) Noise created by the use of emergency generators during emergency repairs or time periods when utility power is not available. This shall include, but not limited to, the following equipment: stationary and portable generators utilized in the performance of providing services to the City.
- c) Noise created by the required testing of emergency generators.
- d) Sanitary sewer cleaning performed by utility personnel or contractors of the City.

**History:** Ord. 2431 12-01-08; Ord. 2413 12-1-08, 1050:10 repealed and renumbered 1051:00 (Landlord Responsibility); Ord. 2637 12-7-15. Ord. 2840 8-23-2021