

Introduced by Wayne A. Melbye

Seconded by Harry N. Manole

ORDINANCE NO. 6, 3rd SERIES

AN ORDINANCE OF THE CITY OF CROOKSTON, MINNESOTA, AMENDING CITY CODE CHAPTER 94, ENTITLED "HEALTH AND SAFETY; NUISANCES" BY ADDING ADDITIONAL PROVISIONS TO SECTION 94.18(D).

THE CITY OF CROOKSTON ORDAINS, as follows:

Section 1. Subsection (D) of City Code, Section 94.18, entitled "Public Nuisances Affecting Peace and Safety" is repealed and replaced with the following:

(D)

(1) *Prohibited generally.* It shall 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.

(2) *Prohibited specifically.* The following acts are declared to be loud, disturbing and unnecessary noises in violation of Section 94.18(D)(1), but such enumeration shall not be deemed to be exclusive.

- (a) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicles, except as a danger warning.
- (b) *Radios; tape and disk players.* The using, operating or permitting to be played of a radio receiving set, tape or disk player, or other machine or device for the producing or reproducing of sound in such manner, considering the time, place and purpose for which the sound

is produced, as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

- (i) The play, use or operation of any radio, tape or disk player, or other machine or device for the production or reproduction of sound in such a manner which is plainly audible at a distance of 50 feet from such machine or device shall be prima facie evidence of a violation of this section.
 - (ii) When an unlawful 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; provided, however, that if the vehicle's owner is not present at the time of violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
 - (iii) Section 94.18(D)(1) shall not apply to sound produced by the following:
 - A. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, including sporting or other public events as long as this activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 - B. Church bells or chimes.
 - C. School bells.
 - D. Machines or devices for the production of sound on or in authorized emergency vehicles.
 - E. Governmental warning systems.
 - F. Sounds emanating from the operation of motor vehicles on a public highway; aircraft; outdoor implements such as power lawn mowers, snow blowers, power hedge clippers, and power saws; pile drivers or jackhammers and other construction equipment, except during the hours of 10:00 p.m. to 7:00 a.m.; and, sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places wherein athletic contests take place.
 - G. Noise created exclusively in the performance of emergency work to preserve the public health, safety or welfare, or in the performance of emergency work when all reasonable actions are taken to minimize the amount of noise.
- (c) *Exhaust and Muffler.* No person shall operate or permit the operation of a motor vehicle upon a street, highway or alley in the City with an engine the exhaust system of which has been altered, modified or repaired, including the use of an engine retarding (Jake Brake) or a muffler or resonant kit, such that the noise emitted by the engine's exhaust system is increased to make loud explosive noises or unusual noise which either annoys, disturbs, or affects the comfort, repose, health or peace of others.

Section 2. This Ordinance shall take effect upon its passage and publication according to the provisions of the Home Rule Charter for the City of Crookston, Minnesota.

Upon a call of ayes and nays as to the passage of this Ordinance, the vote stood as follows:

Voting in the negative: _____

Voting in the affirmative: Mjoen, Melbye, Manole,
Vedbraaten, Martin and Lindgren

Upon this vote, the Ordinance was declared Passed by the Mayor.

Passed this 25th day of March, 2008.

Approved the 28th day of March, 2008.

Dawn O. Lewis
Mayor

ATTEST: *Betty Anderson*
City Clerk-Treasurer

Published: March 28, 2008.