

**NOISE ORDINANCE
FOR THE CITY OF RICE**

The City Council of the City of Rice, Benton County, Minnesota, does hereby ordain:

SECTION 1. UNLAWFUL TO MAKE LOUD OR UNNECESSARY NOISES.

1. No person shall cause to be made any loud audible noises that unreasonably or unnecessarily annoy, disturb, or cause any breach of peace. Any person who causes such noise which can be heard from the exterior of their structure or property, whether public or private, or motor vehicle is in violation of his ordinance. The following acts are declared to be excessively loud, disturbing and unnecessary, and in violation of this ordinance, but said enumeration shall not be deemed to be exclusive.

SECTION 2. UNLAWFUL NOISES

2. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive.

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

2.2 Radios, Tape and Disc Players, etc. The using, operating, or permitting to be played any radio receiving set, tape or disc player, musical instrument, phonograph, or other machine or device that for the production or reproduction 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 or persons of ordinary sensibilities.

2.2.1 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 fifty (50) feet from such machine or device shall be prima facie evidence of a violation of this section.

2.2.2 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, provided, however, that 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.

2.2.3 This section shall not apply to sound produced by the following:

2.2.3.1 Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City of Rice, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.

2.2.3.2 Church bells, chimes or carillons.

2.2.3.3 School bells.

2.2.3.4 Anti-theft devices.

2.2.3.5 Machines or devices for the production of sound on or in authorized emergency vehicles.

2.2.4 With the exception of the machines or devices listed in subsection 2.2.3, this section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines or devices that produce or reproduce sound, whether on public or private property.

2.3 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.

2.4 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.

2.5 Animals, Birds, etc. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. For purposes of this section, "disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise" means any one of the following:

2.5.1 The animal noise occurs at a time between 10:00 p.m. and 7:00 a.m. and can be heard from a location outside the building or premises where the animal is being kept.

2.5.2 The animal noise can be heard from a one-block distance from the location of the building and premises where the animal is being kept.

2.5.3 The animal noise can be heard from a location outside the building and premises where the animal is being kept, and the animal has made such noise intermittently for a period of five (5) minutes.

2.5.4. After three (3) registered complaints a citation may be issued.

2.6 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 to test such equipment), or by public emergency vehicles.

2.7 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.

2.8 Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create a loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

2.9 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.

2.10 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, on containers.

2.11 Construction or Repairing of Buildings. No person shall engage in the erection (including excavating), demolition, alteration, or repair of any building except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday, further excepting that the building inspector may, in cases of emergency, grant permission to repair at any time when said inspector finds that such repair work will not affect the health and safety of the persons in the vicinity. When such construction is authorized by the building inspector, the inspector shall inform the City Clerk and the Benton County Sheriff's Office of the permit.

2.12 Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

2.13 Noisy Parties and Gatherings.

2.13.1 Prohibition. No person shall, 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 or as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

2.13.2 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, shall be prima facie evidence of a violation of his section.

2.13.3 Duty to Disperse. When a police officer determines that a party or gathering is in violation of his 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 disburse immediately. No person shall knowingly remain at such a party or gathering.

2.13.4 Exceptions. The following are exempt from violation of this section:

2.13.4.1 Activities which are duly organized, sponsored or licensed by the City of Rice, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.

2.13.4.2 Church bells, chimes or carillons.

2.13.4.3 Persons who have gone to a party for the sole purpose of abating the violation.

2.13.5 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 petty misdemeanor. Further providing that any person who refuses to disburse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a petty misdemeanor.

2.14 Exemptions Authorized by the Rice 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.

SECTION 3. ENFORCEMENT.

3.1 The police department or sheriff department shall enforce the provisions of this ordinance. The police officer may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this ordinance.

3.2 This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy. Violation of this ordinance is a petty misdemeanor punishable by a fine of up to \$300.

SECTION 4. EFFECTIVE DATE.

4.1 This ordinance shall supercede all prior and inconsistent ordinances.

4.2 This ordinance shall be effective upon passage and publication as required by law.

Dated this 8th day of May, 2001

Clerk

APPROVED:

Mayor