



Memorandum

To: Chair Hansen and Members of the Planning Commission

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: April 21, 2022

Subject: Noise Nuisance Updates

Commissioner Bernhagen inquired about the City's nuisance ordinance, particularly around the issue of noise. In the process of reviewing performance standards, staff reviewed ordinances from neighboring cities and a nuisance ordinance template from the League of Minnesota Cities. These resources were utilized to draft the proposed amendment to the nuisance ordinance.

Noise nuisances were buried under Section 9.20.020(D), Public Nuisances Affecting Peace and Safety. Staff is proposing removing noise nuisances from this provision of the code and creating a new Section (E) under 9.20.020 that would deal specifically with noise violations.

The proposed noise violation language declares any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures 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 in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. The ordinance defines plainly audible as a sound that can be detected by a person using their unaided hearing faculties. The proposed ordinance also adopts Minn. Rules Ch. 7030 by reference.

The proposed ordinance also restricts operation of domestic power equipment, refuse hauling, construction activities, radios/music devices/paging systems to certain hours. The proposed ordinance also may require anyone requesting a zoning change to draft a noise impact statement. The proposed ordinance also address participation in noisy parties or gatherings and individuals must disburse immediately at the request of a peace officer.

The proposed ordinance does provide exemptions for emergency work.

There is no public hearing required for non-zoning ordinance amendments. Staff is seeking feedback from the Planning Commission on the proposed ordinance. The Police Department and Code Enforcement have reviewed the proposed ordinance and find that the proposed ordinance will make it easier to address noise complaints within the city.

If you have any questions, please don't hesitate to contact me at 763-784-6491.