



Memorandum

To: Mayor Nelson and Members of the City Council

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

Date: June 16, 2022

Subject: Noise Ordinance updates

Included with this memorandum is the proposed noise nuisances ordinance for possible City Council adoption.

The Planning Commission discussed the ordinance for approval at their April 25 meeting and were supportive of the language. The City Council discussed the recommendation at the May 9 work session and recommended the ordinance be presented at a future Council meeting.

At the May 9 work session, Councilmember Goodboe-Bisschoff suggested soliciting resident input on the proposed ordinance. Staff posted information on the proposed ordinance on the City's Facebook page and on the City's website. The City received one comment.

Staff appreciates the feedback received from former Councilmember Bill Nash. It would be preferable to have an objective standard to eliminate giving residents a cause of action against a neighbor. However, in this case, measuring noise requires specialized equipment for our Police Department along with training in how to use the equipment. However, in using a strictly scientific standard, nuisances could be left unaddressed because while the noise may unreasonably annoy or disturb an individual, it may fall underneath the decibel limit set forth under that standard.

The language provides room for a code enforcement officer or police officer to make a determination about the reasonableness of a claimed nuisance. They are trained to de-escalate situations. In the situation about the graduation party, an officer would assess the situation to determine if the noise exceeds a reasonableness standard. If so, the officer would speak to the property owner hosting the party about the complaint and ask them to lower their volume. Breaking up a party would be a last resort.

The proposed ordinance provides code enforcement and law enforcement with more tools to address noise complaints rather than through the specific scientific standard as exists presently. The proposed language is also consistent with the model noise ordinance developed by the attorneys with the League of Minnesota Cities.

Staff recommends approval of the proposed ordinance.

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