

Article IV. Noise, Noise Pollution and Vibration

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ARTICLE IV. NOISE, NOISE POLLUTION AND VIBRATION

Sec. 12-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section. Any other word or phrase used in this article, and defined in regulations of the state pollution control agency noise pollution control rules, chapter 7030, has the meaning given in those regulations.

Air circulation device means a mechanism designed and used for the controlled flow of air used in ventilation, cooling or conditioning, including, but not limited to, central and window air conditioning units.

City means the City of St. Louis Park or any representative of the department of inspections, department of public safety or any other representative of the city designated by the city manager.

Cut-out, bypass and similar device means any mechanism which varies the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the exhaust system including all exhaust system sound attenuation components.

Exhaust system means a combination of components, which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

Highway means any street, road, alley or public way in the city.

Holiday means any day fixed by the United States or by state law for suspension of business, in whole or in part.

Noise means any sound not occurring in the natural environment, including, but not limited to, sounds emanating from aircraft and highways, and industrial, commercial and residential sources.

Noise pollution means the presence of any noise or combination of noises in such quantity, at such levels, or of such nature and duration or under such conditions as could potentially be injurious to human health, safety, welfare or property, or to animal life, or could interfere unreasonably with the enjoyment of life or property.

Sound means an oscillation in pressure, stress, particle displacement, particle velocity, etc., in an elastic or partially elastic medium, or the superposition of such propagated alterations.

Sound level means a weighted sound pressure level obtained by the use of a sound level meter having characteristics, including the "A" weighting, as specified in ANSI Specifications for Sound Level Meters S1.4-1971. The reference pressure is 20 micronewtons per square meter.

Sound receiving unit means a unit of property or a building containing a person, business, activity, animal life, or property, which is affected by noise or noise pollution.

Vibration means the oscillation of a solid body or material, including, but not limited to, earth, concrete, machinery, building structures, or other similar materials. Within this article, the term vibration shall refer to those oscillations, which are disturbing, injurious, damaging or dangerous.

Cross reference(s)--Definitions generally, § 1-2.

Sec. 12-122. Source requirements.

(a) *Maximum noise levels by receiving land use districts.* No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in table I for the receiving land use category specified when measured at the location identified in subsection (c) of this section. The source sound levels in any zoning district shall be the responsibility of any person who owns or operates a sound source contributing to the sound level, whether or not such sound source is in the zoning district in question.

Table I. Sound Levels by Receiving Land Use Districts

Zoning District	Day (7:00 a.m. to 10:00 p.m.)		Night (10:00 p.m. to 7:00 a.m.)	
	L50	L10	L50	L10
Residential	60	65	50	55
Industrial	75	80	75	80
Others	65	70	65	70

(b) *Exemptions.* The levels prescribed in subsection (a) of this section do not apply to noise generated by railroads or the travel of motor vehicles on state and county highways, but such noise shall be subject to other applicable sections of this article.

(c) *Measurement of noise level.*

- (1) Except as otherwise provided in this article, the source sound level requirements of this section shall apply at the area of human activity or, if such area is ill-defined, at the property or zoning lines of the receiving unit. If a receiving unit changes its area of human activity, the source sound level requirements of this section shall apply at the new area of human activity or, if such area is ill-defined, at the property or zoning lines of the receiving unit. Measurements may be made at any location in zoning districts for evaluation purposes and to aid the enforcement of other sections of this article.
- (2) All sound levels originating in any development or property which contains one or more buildings and which is without property lines for each building shall not exceed the source

requirements for the applicable zoning district measured at the area of human activity or, if this is ill-defined, at any point on a line, all of whose points are equidistant from any two buildings.

Sec. 12-123. Requirements for air circulation devices.

Any person installing or placing any air circulation device including, but not limited to, window or central air conditioning units, in any location which results in or contributes to a violation of section 12-122, shall attenuate the excessive sound level by means deemed appropriate to bring the equipment or device into compliance with this Code, including but not limited to sound barrier screening, new equipment meeting city and state noise requirements, or relocation of such units or devices.

Sec. 12-124. Hourly restrictions on certain operations.

(a) *Recreational vehicles* No person shall drive or operate any minibike, snowmobile, or other similar recreational vehicle, not licensed for travel on public highways, between the hours of 10:00 p.m. and 7:00 a.m.

(b) *Domestic power equipment.* No person may operate any domestic power implement including, but not limited to, a power lawnmower, power hedge clipper, power saw or other such implement except between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends and holidays. The operation of equipment for snow removal shall be exempt from the provisions of this section when initiated within 12 hours of the completion of the most recent snowfall.

(c) *Power equipment used in construction activities.* No person shall engage in, permit, or allow construction activities involving the use of power equipment, manual tools, movement of equipment, or other activities except between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends and holidays.

(d) *Garbage collection.* Except in a general industrial zoning district, no person shall collect or remove garbage or refuse except between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and between the hours of 9:00 a.m. and 10:00 p.m. on weekends and holidays.

(e) *Participation in noisy parties or gatherings.* No person shall, between the hours of 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between 12:00 midnight and 7:00 a.m. on Friday and Saturday, participate in any party or gathering of people which creates noise pollution or which unreasonably disturbs the peace, quiet, or repose of another person as determined at the property line of a building, structure, rental unit, or other enclosure or area in which such party or gathering occurs. If such party or gathering is declared to be a noise pollution nuisance by a city official, all persons except the owner, renter, lessee, or other occupant shall promptly leave the premises in an orderly manner. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

Sec. 12-125. Prohibited noises.

(a) *Internal combustion engine, fuel-operated device or electrically powered device.* No person shall operate, permit, or allow the operation of any internal combustion engine, fuel-operated device, or electrically powered device associated with construction, home improvement, or other similar activity unless it is operated or in repair according to the manufacturer's specifications. Any internal combustion engine or fuel-operated devices, which is designed to have a muffler, shall be maintained in good working order to prevent noise pollution.

- (1) No person shall operate, permit or allow the operation of any portable air compressor or similar device which produces a sound level in excess of 81 dBA, measured at 50 feet from the compressor when the compressor is operating at its maximum related capacity. Portable air

compressors with a rated capacity equal to or above 75 cubic feet per minute, which deliver air at pressures greater than 50 psig, and which are manufactured on or after July 1, 1978, shall not produce a sound level in excess of 70 dBA, measured at 50 feet from the compressor when the compressor is operating at its maximum rated capacity.

- (2) No person shall operate, permit or allow the operation of any powered, walk behind lawnmower or other similar device which produces a sound level in excess of 72 dBA, measured at 50 feet from the mower. No person shall operate, permit, or allow the operation of any powered, sit down lawnmower or other similar device, which produces a sound level in excess of 82 dBA, measured at 50 feet from the mower.

(b) *Blower, power fan or exhaust unit.* No person shall operate, permit, or allow the operation of any blower, power fan, exhaust unit or other similar device which produces noise pollution due to improper maintenance or due to operation or repair which does not conform to the manufacturer's specifications.

(c) *Cut-out, bypass or similar device.* No person shall use a cut-out, bypass, or similar device upon an internal combustion engine or its exhaust system. No person shall modify, alter, or repair any exhaust system or any internal combustion engine in any manner that amplifies or otherwise increases engine sound above that emitted by the engine as equipped according to the manufacturer's specifications.

(d) *Motor vehicles.*

- (1) No person shall operate a motor vehicle in the city in violation of the motor vehicle noise limits established by state law or the Minnesota Pollution Control Agency as set forth under Minn. Rules Chapter 7030.
- (2) No person shall operate any motor vehicle or any minibike or other similar vehicle or device in any way which results in the squealing of tires or the creation of any other noise pollution on any highway, private road, public or private parking lot, driveway, or other property in the city, except when there is reason to do so for the safe operation of the vehicle.
- (3) No person shall repair, build, rebuild, or test any motor vehicle or other internal combustion engine within the city in such a manner as to create noise pollution.

(e) *Horn, siren or other signaling device.* No person may sound or permit the sounding of any horn, siren or other signaling device on any motor vehicle within the city except in cases of imminent danger or emergency. The modification or installation of signaling devices on any motor vehicle or emergency vehicle which amplifies or otherwise increases the level of sound beyond that emitted by the signaling device installed or designed for the vehicle is prohibited. Burglar alarms, sirens, or similar devices, installed and operated for the use specified by the manufacturer, are exempt from the provisions of this subsection.

(f) *Radios, phonography, paging system, etc.* No person may use, operate, or permit to be used or operated any radio receiving set, musical instrument, phonograph, stereo or other machine or device used for the production or reproduction of sound in such a manner as to disturb the peace, quiet or comfort of a person in its vicinity. The operation of any receiving set, instrument, phonograph, stereo machine, or device between 10:00 p.m. and 7:00 a.m. shall be prima facie evidence of a violation of this section if done in such manner as to be plainly audible at:

- (1) The real property boundary of the building, structure, or residence, or other area in which it is located;
- (2) The property line of the area or premises owned, rented, leased, or used within a multiuse or apartment building; or
- (3) A distance of 50 feet from any motor vehicle in which it is located.

(g) *Loudspeakers, amplifiers, etc., for advertising.* Except as permitted by section 12-127, no person shall advertise or attract the attention of the public to any commercial establishment, business, vehicle or other area by creating noise pollution, including but not limited to crying out, sounding a horn, ringing a bell, or use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place. In addition, no person shall create noise pollution

through the use of any such sound production or reproduction devices in any activities or proceedings of his business, including, but not limited to, the use of loudspeakers for communication.

(h) *Apartment or multiuse building.* No person may cause, allow, or permit any noise pollution in any multiuse or apartment building as determined beyond the property line of the area or premises owned, rented, leased, or used by such person.

(i) *Loading and unloading.* No person shall load or unload any motor vehicle or handle any bales, boxes, crates, or containers in such a manner as to cause noise pollution.

(j) *Schools, churches, hospitals, etc.* No person shall create or allow the creation of noise pollution on any street adjacent to any school, learning institution, religious institution, or court, or adjacent to any hospital, or home for the aged, or other similar institutions which unreasonably interferes with the working of such institution or disturbs or annoys an inhabitant in the institution, provided that conspicuous signs indicated the presence of such institutions or buildings are displayed in such streets by such institutions.

(k) *Snowmobiles.* No person shall operate a snowmobile unless it is equipped with a muffler in good working order, which will prevent noise pollution and will meet the source requirements in section 12-122. However, this shall not apply to snowmobiles which are designed and used for organized races or similar competitive events which are held with the permission of the city council and in areas designated by the city council.

(l) *Railways.* Except as otherwise required by federal law, no person driving or operating a locomotive or other powered vehicle adapted for travel on any railway in the city may ring a bell or sound a whistle upon such locomotive or vehicle, or cause the same to be rung or sounded at any time other than in cases in which the locomotive or vehicle is at or within 1,320 feet before any place where the railway crosses a traveled highway on the same level or in cases of imminent danger.

Sec. 12-126. Prohibiting vibration.

Any vibration discernible to the human sense of feeling or any vibration producing a particle velocity of more than 0.035 inches per second for five minutes or more duration (cumulative) in any one hour at the property line are prohibited. For properties abutting an "R" use district, no vibration producing a particle acceleration velocity of more than 0.035 inches per second at the property line are permitted between the hours of 7:00 p.m. and 7:00 a.m.

Sec. 12-127. Exceptions to article.

(a) *Emergency work.* Operations and acts performed exclusively for emergency work not exceeding a period of 24 hours to preserve the safety, welfare, or public health of the citizens of the city or for emergency work necessary to restore a public service or to eliminate a public hazard shall be exempt from the noise and vibration limitations under this article. Any person performing emergency work under this section shall inform the city at the time of the need to initiate such work or, if during nonbusiness hours of the city offices, then upon resumption of business hours of the city. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise pollution or vibration.

(b) *Exception for food/beverage vehicles.* Notwithstanding any other provisions to the contrary, food/beverage vehicles may sound a bell between 12:00 noon and 9:00 p.m. daily which produces a noise level measured at a distance of 50 feet from the source no greater than 65 decibels in all zoning districts.

Sec. 12-128. Inspections.

A city official shall inspect existing or potential noise, noise pollution, and vibration sources, and noise pollution control measures as frequently as may be necessary to ensure compliance with this article.

Sec. 12-129. Access to premises and records.

The person on the premises who is responsible for any noise pollution control measure or allowing or causing any noise, noise pollution or vibration shall, upon request of the city official, permit access to all parts of the area at any reasonable time for purposes of inspection and monitoring and shall exhibit and allow copying of any records relating to noise, noise pollution or vibration, or noise pollution control as is necessary to determine compliance with this Code. A city official shall be permitted access to any sound receiver unit affected or potentially affected by a sound source under inspection in order to determine compliance with this Code.

Sec. 12-130. Removal and correction of violations.

Any person responsible for noise, noise pollution or vibration control measures, or allowing or causing noise, noise pollution, or vibration and having received a report from the city official giving notification of one or more violations of this Code shall correct or remove each violation within the length of time set by the city official. The length of time for the correction or removal of each violation shall be stated on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this article.

Sec. 12-131. Temporary noise permit.

(a) Permit.

- (1) *Required.* A temporary noise permit is required to create temporary noise conditions which may exceed the requirements of this article. A person making application for a permit shall include the reason for requesting the temporary noise permit, the nature of the event occurring, the time period for which the temporary noise permit is requested and the operation or procedure to be employed during the period of the temporary noise permit.
- (2) *Exception.* City-performed street and utility maintenance and construction do not require a temporary noise permit.

(b) *Fee required.* The fee for a temporary noise permit shall be set from time to time by the city and a schedule of such fees is listed in appendix A to this Code. Such fees must be submitted to the city before a permit will be issued.

(c) *Special provisions.*

- (1) *Permits for 24 hours and less.* When a temporary noise permit is issued for an event 24 hours or less in duration, the applicant must notify all immediate neighbors to the property for which the permit is issued. The notification must be in advance of the event and provide information on the date, time and type of event for which the permit was issued.
- (2) *Permits for over 24 hours.* The applicant must submit a set of address labels for all property owners within 350 feet of the boundaries of the parcel with the application when the permit request is for an event occurring more than 24 hours. The names and addresses must be officially prepared by the county auditor's office or other source approved by the city. Applications with address labels must be received in the department of inspections 14 days prior to the event to be considered for a permit. The city shall use the labels to mail notification of the requested event to the property owners. The permit will be considered for approval after any public comment is received, not less than seven days after the notification is mailed or more than ten days after receiving the completed application and labels.
- (3) *Mobile noise sources.* When a temporary noise permit application is for a mobile source of noise, the applicant shall provide information on the type of equipment, dates and times of proposed operation, and location in which the equipment or noise will be heard. Before a permit is issued, the applicant shall request an inspection with the city to have the temporary noise source measured to ensure compliance with applicable sections of this article.

(d) *Duration.* Any temporary noise permit granted by the city shall not exceed 90 days and may be renewed once for a period not to exceed 30 days upon request of the original applicant and upon approval from the city.

(e) *Criteria for issuance of permit.* A temporary noise permit to create noise which is not in compliance with this Code may be granted upon a finding that:

- (1) The activity, operation, or noise or vibration source will be of temporary duration and cannot be performed or operated in a manner that would comply with the provisions of this Code;
- (2) The costs of abatement, control or alternative activity or time sequence are unreasonably high in relation to the benefits achieved;
- (3) The measures necessary to abate or avoid potential noise, noise pollution or vibration conflict with other important values, including, but not limited to, aesthetic quality, ecological conditions or safety; or
- (4) No other reasonable alternative is available to the applicant.

In granting a temporary noise permit, the city shall prescribe any conditions, requirements or restrictions reasonably necessary to minimize adverse effects upon the community or surrounding neighborhood.

(f) *Grounds for denial of permit.* History of complaints about excessive noise in violation of this article or past permit is grounds for denial of a temporary noise permit.

Sec. 12-132. Appeal.

(a) Any person affected by any decision under this article or by any action taken in accordance with this article, including, but not limited to, an applicant for a temporary noise permit, extension of compliance date or a person objecting to the issuance of a temporary permit or the extension of a compliance date may, within ten days of the issuance of the order or action, appeal to the city manager. Appeals shall be held no sooner than ten days and not more than 30 days after a request for such appeal is filed unless good cause is shown for an extension. Requests shall be made by filing with the city manager a notice of appeal specifying the grounds and relief sought. The city manager shall forthwith set a date, time and place for the appeal and shall notify the person appealing at least ten days in advance of the appeal date.

(b) Any person affected by a decision of the city manager may appeal the decision to the city council. A notice of appeal must be filed with the city clerk within five days after the city manager's decision. Notice of the date, time, place, and nature of the matter under consideration shall be given by publication at least once in the official newspaper not less than ten days prior to the appeal.