

HAVEN TOWNSHIP
SHERBURNE COUNTY
MINNESOTA

ORDINANCE 02-100

AN ORDINANCE REGULATING NOISE

THE TOWN BOARD OF HAVEN TOWNSHIP HEREBY ORDAINS:

FINDING

While Haven Township remains primarily an agricultural based Township, the Town Board finds it necessary to regulate noise within residential, platted subdivisions and where 10 or more homes exist within a fairly small area of property. The Town Board finds it is in the best interest of the Town Citizens to regulate noise within residential areas.

REGULATING NOISE

1. **Unlawful to Make Loud or Unnecessary Noises.** It shall be unlawful for any person within a platted subdivision or within a quarter/quarter section area (approximately 40 acres) which contains 10 or more homes, in a public or private place, to make, cause to be made or allow the making of any noise between the hours of 10:30 p.m. and 7:00 a.m. which is unnecessary or unusual, which noise annoys, disturbs, or affects the comfort, repose, health or peace of others.
2. **Noise Prohibited Outside the Limits of Real Estate.** Any such noise that has the affect as hereinbefore described, heard outside the limits of the real estate from which said noise has its source, or from a public street or other public property, and heard by another person, shall be such a noise as is hereby prohibited, which noise constitutes the basis of the violation of the Ordinance.
3. **Allowing Noise.** The prohibition of this Ordinance shall extend beyond the person making or causing to be made said noise and extend to any person in control of real estate, owning or possessing real estate and/or in control of, owning or possessing the source of the noise, who allows the making of said noise on said real estate controlled, owned or possessed by him and/or in control of, owning or possessing the source of the noise, the making of which noise is unlawful by virtue of this Ordinance, and shall be in violation of this Ordinance.
4. **Unlawful Acts.** The following acts set forth in the following subdivisions are declared to be loud; disturbing and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive.

Subd. 1. **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 for the producing or reproducing 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 ordinance sensibilities.

- (a) 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 one hundred (100) feet from such machine or device shall be prima facie evidence of violation of this section.
- (b) 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.

Subd. 2. 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. This includes allowing any vehicle, even with a muffler or other device, to idle unattended for more than 15 minutes on public or private property.

Subd. 3. Defects 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 loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort or repose of any persons in the vicinity.

Subd. 4. All Terrain Vehicles, Snowmobiles and Similar Vehicles. The repetitive driving or operation of an off road vehicle, snowmobile or similar vehicle on a track or within a property, even with a muffler or other device, so as to create noise which disturbs the comfort or repose of persons living in the vicinity.

Subd. 5. Exceptions. The following are exempt from violation of this section:

- (i) Activities which are duly authorized, permitted, sponsored or licensed by Sherburne County or Haven Township, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activities. This includes, but is not to grading, excavating, crushing and mineral extraction.
- (ii) Church bells, chimes or carillons.
- (iii) Persons who have gone onto the property which is the source of the noise for the sole person of abating the violation.
- (iv) All agricultural activities and/or the use and/or operation of agricultural equipment.

5. **Penalty for Violation.** Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to being punished by a fine not to exceed the sum of \$300.00 or by imprisonment not to exceed ninety (90) days, or both.
6. **Separability.** Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part; and if any section, provision or part shall be held invalid, it shall not affect any other section, provision, or part thereof.
7. This Ordinance shall be effective upon publication, as required by law.

Dated: May 20, 2002

HAVEN TOWN BOARD

By LeRoy Pauley
LeRoy Pauley
Board Chair

ATTEST:

Michael C. Zniowski
Michael Zniowski