

ST. STEPHEN CITY CODE
CHAPTER 9: NUISANCES AND OFFENSES

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ORDINANCE 92 NOISE ORDINANCE

Section 92.01: NOISES PROHIBITED. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably or unnecessarily 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. This general prohibition is not limited by the specific restrictions of unlawful acts listed in Section 2.

Section 92.02: UNLAWFUL ACTS. 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.

Subd. 1: Horns, Audible Signaling Devices, Etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger.

Subd. 2: Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or snowmobile or other recreational vehicle except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations. This sub-division does not apply to the discharge of any engine of the type listed above where the discharge occurs as part of an exhibition, festival or parade authorized by the City Council.

Subd. 3: Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling, or other noise.

Subd. 4: Loading, Unloading, Unpacking, Opening of Boxes. No person shall create loud and excessive noise in loading, unloading, unpacking any vehicle, or the opening and destruction of bales, boxes, crates or containers.

Subd. 5: Radios, Phonographs, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device of the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet and comfort of any person residing in the neighborhood at any time with louder volume than is reasonably necessary for convenient hearing of the person or persons who are in the room, vehicle, chamber, or immediate vicinity in which such machine or device is being operated. Operation of any such set, instrument,

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phonograph, machine, or other device in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at the property line if the source is located outside a structure or building shall be prima facia evidence of a violation of this section.

Subd. 6: Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering or permit any party or other gathering of people giving rise to noise, disturbing the peace, quiet, or repose of another person. When a law enforcement officer receives a complaint and determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered by a law enforcement officer to do so. 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. Any such noise which has the effect of disturbing the peace, quiet, or repose of another person and is heard outside the limits of the real estate from which the party is occurring shall be such a noisy party or gathering which constitutes a violation of this Ordinance.

Subd. 7: Animals. No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.

Section 92.03: HOURLY RESTRICTION ON CERTAIN OPERATIONS. No person shall, between the hours of 9:30 p.m. and 6:00 a.m., drive or operate any off-road vehicles as defined by Ordinance 74.02, not licensed for travel on public highways. Snowmobiles shall be controlled by the operation of the Snowmobile Ordinance and this Ordinance shall not cover the operation of snowmobiles.

Section 92.04: LANDLORD'S LIABILITY. Violations of the noise control regulations shall be the act of the owner of the residential dwelling unit even though he does not reside in the unit as well as the person on the premises who violates said regulations, except that the owner shall be liable only for those violations occurring after receipt of written notice from the City of St. Stephen or its police department of a violation of the noise control regulations having occurred at the residential dwelling unit. For purposes of this section, owner is defined to include corporations and partnerships as well as individual owners.

Section 92.05: ENFORCEMENT.

Subd. 1: Enforcement Duties. The authorized law enforcement agency shall enforce the provisions of this Ordinance.

Subd. 2: Civil Remedies. This Ordinance may also be enforced by injunction, action for abatement, or other appropriate civil remedy.

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Subd. 3: Criminal Penalties. Every person who violates any provision of this Ordinance is guilty of petty misdemeanor. Any individual who is convicted of three or more violations within a three year period shall be guilty of a misdemeanor. In either case, a party found guilty shall also be liable for the costs of prosecution. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Section 92.06: SEVERABILITY: 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.