

**ORDINANCE NO. 95  
(Noise)**

**CITY OF NEW GERMANY  
CARVER COUNTY, MINNESOTA**

**AUGUST 6, 2008**

**AN ORDINANCE PERTAINING TO THE REGULATION OF NOISE IN THE CITY OF NEW GERMANY.**

THE CITY COUNCIL OF THE CITY OF NEW GERMANY, CARVER COUNTY, MINNESOTA, ORDAINS:

**Section 1. Definitions.** When used in this Ordinance, the following terms shall have the meanings ascribed to them in this section.

1. *L10 level* means the noise level, expressed in decibels (dBA), which is exceeded ten percent of the time within a one hour period, as measured by test procedures using a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute (ANSI).
2. *L50 level* means the noise level, expressed in decibels (dBA), which is exceeded 50 percent of the time within a one hour period, as measured by test procedures using a sound level meter having characteristics as specified in the latest standards, S1.4, of the American National Standards Institute (ANSI).

**Section 2. Noise Prohibited.**

1. *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise or vibrations 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. This general prohibition is not limited by the specific restriction of the following subsections of this section.
2. *Radios, televisions, phonographs, paging systems, etc.* No person shall use, operate, or permit the use of any radio receiving set, television set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the

hours of 10:00 p.m. and 7:00 a.m. 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 a distance of 50 feet if the source is located outside a structure or building shall be evidence of violation of this section.

3. *Participation in noisy parties or gatherings.* No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet, or repose of another person. If a police officer determines that such a gathering is creating a noise disturbance, the police officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to leave immediately. No person shall refuse to leave after being ordered by the police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make a reasonable effort to see that the disturbance is stopped.

**Section 3. Receiving Land Use Standards.**

1. *Maximum noise levels by receiving land use districts.* No person shall operate, cause, or permit to be operated any source of noise in such a manner as to create a noise level, which exceeds those limits set in Table 1 for the receiving land use category specified when measured at or within the property line of the receiving land use district. The sound level within any particular zoning district shall be the responsibility of the person who owns, operates, or contributes to the sound level, regardless of the zoning district in question.

**Table 1: Sound Levels by Receiving Land Use Districts**

<i>Land Use Districts</i>	<i>Day</i> <i>(7:00 a.m. – 10:00 p.m.)</i>		<i>Night</i> <i>(10:00 p.m. – 7:00 a.m.)</i>	
	<i>L10</i>	<i>L50</i>	<i>L10</i>	<i>L50</i>
Residential	65	60	55	50
Commercial	70	65	70	65
Industrial	80	75	80	75

The noise limits of the most restrictive district shall apply at the determination of land use by its zoned designation.

**Section 4. Enforcement Duties.** The Carver County Sheriff, by contract with the City, shall enforce this ordinance.

**Section 5. Penalty.** Every person who violates any provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$700.00 or imprisonment for a term of not to exceed 90 days, or both, plus in either case, the costs of prosecution.

**Section 6. Effective Date.** This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of New Germany this 6th day of August, 2008.

CITY OF NEW GERMANY

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C. Pete Peterson, Mayor

ATTEST:

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Joan Guthmiller, Clerk

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