

City of Newfolden

Ordinance No. 0499

Noise Ordinance

WHEREAS, excessive sound and vibration and inadequately controlled noise are serious hazards to the public health, safety, and welfare, and a source of annoyance to the populace; and

WHEREAS, a substantial body of science and technology exists by which excessive or unreasonable noise and sound may be abated or eliminated; and

WHEREAS, it is the policy of the City of Newfolden to protect the health, safety and welfare of its citizens and to promote an environment free from sound and noise disruptive of peace and good order, while not unreasonably restricting the rights of individuals;

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF NEWFOLDEN HEREBY ORDAINS:

Subd. 1. Subject to the provision of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or to create any unreasonably loud and disturbing noise in the City. For purposes of this section, the following definitions shall apply:

- (a.) Unreasonably loud: Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.
- (b.) Disturbing: Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise are to be considered: time of day; proximity to residential structures, churches, schools or businesses; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning (if applicable) of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

Subd. 2. Enforcement.

- (a.) The violation of any provision of this ordinance shall constitute a petty misdemeanor. Each day on which any violation of this ordinance shall continue shall constitute a separate and distinct violation and offense. In addition, this ordinance may be enforced by injunction or other equitable relief by an action brought in the District Court.
- (b.) Farming operations shall be exempt from the operation of this ordinance.
- (c.) Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.
- (d.) This ordinance shall become effective upon adoption.

Adopted by the City Council on April _____, 1999.

ATTEST:

City Clerk

APPROVED BY:

Mayor