

1ST READING: <i>9-25-92</i>
REFERRED TO (NAME OF) COMMITTEE: <i>P&R5</i>
PUBLIC HEARING: <i>9-30-92</i>
2ND READING AND FINAL PASSAGE: <i>10-9-92</i>

92-Or-122
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

Sayles Belton, Dziedzic, Campbell, Hilary, Rainville, Cherryhomes, Niland, Scott, Scallon, Niemiec, Cramer, Schulstad & Johnson presents the following ordinance:

Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses - Miscellaneous: Noise.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 389.70(e) of the above-entitled ordinance be amended to read as follows:

389.70. Construction equipment.

(e) The fees for an extended hours-of-operation permit issued pursuant to paragraph (d) hereof, shall be twentyTHIRTY-five dollars (\$235.00) per day, with a minimum charge of fifty dollars (\$50.00); PROVIDED, HOWEVER, THAT THE FEES SHALL BE FIFTY DOLLARS (\$50.00) PER DAY FOR EACH SATURDAY, SUNDAY, AND LEGAL HOLIDAY ON WHICH WORK IS PERFORMED AND EACH CALENDAR DAY ON WHICH WORK IS PERFORMED AFTER 10:00 P.M. OR BEFORE 7:00 A.M. The fee for an extended hours-of-operation permit for a public works project, issued pursuant to paragraph (f) hereof, shall be determined by the director of inspections as a lump sum fee based upon the estimated duration of the project. Permits should be obtained in advance of the proposed extended hours of operation. If the permit has not been applied for in advance, the fee will be doubled for the days of operation prior to the date of application if the permit is issue.

Section 2. That Section 389.90 of the above-entitled ordinance be and is hereby repealed.

389.90. Radios, tape players, etc., in vehicles. (a) No person, while in a vehicle which is parked or on a bicycle or tri-wheeler, shall play, use or operate any radio receiving set, tape player, musical instrument, phonograph or other machine or device from which sound may emanate in such manner as to disturb the peace, quiet and comfort of another person.

(b) It shall be unlawful for the owner of any private vehicle, or if the owner is not then present, the person in charge of the vehicle, to permit the playing, using or operating of any radio receiving set, tape player, musical instrument, phonograph or other machine or device for the producing or reproducing of sound, or from which sound may emanate, in such a manner as to disturb the peace, quiet and comfort of another person.

(c) The operation of any set, player, instrument, phonograph, machine or device, as provided in subsections (a) and (b), between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the vehicle, bicycle or tri-wheeler in or on which it is located shall be prima facie evidence of a violation of this section.

(d) The noise level limitations prescribed in section 389.60 shall not be applicable to sounds emanating from the sources set forth in this section while any such source may be in or on any vehicle, bicycle or tri-wheeler.

(e) The noise restrictions set forth in this section shall apply whether or not any vehicle, bicycle or tri-wheeler is in a private or public place.

Section 3. That the above-entitled ordinance be amended by adding thereto a new Section 389.95 to read as follows:

389.95. Radios, tape and disk players, etc. (a) No person shall play, use, or operate any radio, tape or disk player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner, considering the time and place and the purpose for which the sound is produced, as to unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibility.

(b) The play, use, or operation of any radio, tape or disk player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from said machine or device shall be prima facie evidence of a violation of this section.

(c) When sound violating this section is produced 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, the person in charge of the vehicle at the time is guilty of the violation.

(d) The noise level limitations prescribed in section 389.60 shall not be applicable to sounds emanating from the sources set forth in this section.

(e) This section shall not apply to sound produced by the following:

- (1) Amplifying equipment used in connection with activities for which permits have been granted pursuant to Section 389.105;
- (2) Antitheft devices; and
- (3) Machines or devices for the production of sound on or in authorized emergency vehicles.

(f) With the exception of the machines and devices listed in subsection (e), this section shall apply to all radios, tape and disk players, musical instruments, phonographs, and machines and devices for the production of sound, whether on public or private property.

Section 4. That Section 389.100 of the above-entitled ordinance be and is hereby repealed:

389.100. Offensive use of sound-amplifying equipment. No person shall use or maintain any sound-amplifying equipment when the use or maintenance of such equipment creates noises so loud and unnatural in their time, place, use or maintenance as to annoy, injure or endanger the safety, health, comfort, or repose of any persons.

Section 5. That the above-entitled ordinance be amended by adding thereto a new Chapter 389.105 to read as follows:

389.105. Permits for Sound Amplifying Equipment. Except as provided in section 389.60(b)(5), no person shall use or maintain any outside sound amplifying equipment without first having obtained a permit from the Pollution Control Section of the Inspections Division, Department of Regulatory Services. The fees for this permit shall be thirty-five dollars (\$35.00) per day.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic	X						Scallon	X					
Campbell	X						Niemiec	X					
Hilary	X						Cramer	X					
Rainville	X						Schulstad	X					
Cherryhomes	X						Johnson	X					
Niland	X						President						
Scott	X						Sayles Belton	X					

PASSED OCT 09 1992 DATE APPROVED ~~NOT APPROVED~~ ~~REJECTED~~ OCT 15 1992 DATE

Shane Sayles Belton
PRESIDENT OF COUNCIL

Don Frasca
MAYOR

ATTEST Mary Keefe
CITY CLERK