

Section 921 – Regulating Noise

Section 921:01. Unlawful to Make Loud or Unnecessary Noises. It shall be unlawful for any person in the City of Foley in Benton County, Minnesota, 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.

Section 921:02. 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, and heard by another person, shall be such a noise as hereby prohibited, which noise constitutes the basis of the violation of this Ordinance.

Section 921:03. 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, in the City of Foley, who allows the making of said noise on said real estate. Any such person so allowing the making of said noise on said real estate controlled, owned or possessed by him, the making of which noise is unlawful by virtue of this ordinance shall be in violation of this Ordinance.

Section 921:04. 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 ordinary 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 fifty (50) 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 there from.

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. Noisy Parties and Gatherings.

- (a) Prohibition. No person shall, between the hours of 10:30 p.m. and 7:00 a.m. congregate at, or participate in any party or gathering of two or more people, from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.
- (b) Evidence. Noise of such volume as to be clearly audible at a distance of fifty (50) feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this section.
- (c) Duty to Disperse. When a police officer or community service officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party or gathering.
- (d) Exceptions. The following are exempt from violation of this section:
  - (i) Activities which are duly authorized, sponsored or licensed by the City of Foley, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
  - (ii) Church bells, chimes or carillons.
  - (iii) Persons who have gone to a party for the sole purpose of abating the violation.
- (e) Penalties. Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at such party or gathering, is guilty of a misdemeanor. Any person, who refused to disperse from a party or gathering in violation of this section after being ordered by a police officer or community service officer to do so, is guilty of a misdemeanor.

Section 921:05.      Breach of Peace on School Grounds.      No person shall willfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance or improper diversion or activity by which peace, quiet and good order shall be disturbed.

Section 921:06.      Offensive Language and Conduct.      No person shall use offensive, obscene or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in others on any school grounds or in buildings or structures.

Section 921:07.      Improper Conduct in School or on School Buildings and Grounds.      No person shall, in any schoolroom or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of such school while in session. Any person not in immediate attendance in such school and being in such building or upon the premises belonging thereto who upon the request of a teacher of such school or the person in charge thereof to leave said building or premises, shall neglect or refuse to do so, shall be in violation of this ordinance. No person shall loiter on any school grounds or in any school building or structure.

Section 921:08.      Penalty for Violations.      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.

Section 921:09.      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.

Section 921:00 of the 1974 Code of Ordinances was adopted by Ordinance Number 196, on July 3, 1984 and published on July 17, 1984.

Section 921:00 of the 1974 Code of Ordinances was amended and replaced in its entirety by Ordinance Number 317 on February 19, 2002 and published on February 27, 2002.

Section 921:04, Subd 4 (c) and Section 921:04, Subd 4 (e) was amended by Ordinance Number 396, passed and adopted January 3, 2012.