

CITY OF GLYNDON
ORDINANCE NO. 145

AN ORDINANCE REGULATING PARTICIPATION IN NOISY PARTIES OR GATHERINGS AND PROVIDING PENALTIES FOR REFUSAL TO DISBURSE THEREFROM AND REPEALING ORDINANCE NO. 138.

BE IT ORDAINED by the City Council of the City of Glyndon as follows:

SECTION 1. NOISE CONTROL REGULATION:

- A. **Unlawful to Make Loud or Unnecessary Noises.** It shall be unlawful for any person to make, or cause to be made any loud, unnecessary or unusual noise which either annoys, disturbs, or affects the comfort, repose, health, or peace of others.
- B. **Unlawful Acts.** The following acts set forth in the following subdivisions are declared to be loud, disturbing, and unnecessary noise in violation of this ordinance, but said enumeration shall not be deemed to be exclusive.
1. **Horns, Signaling devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning;
 2. **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 is produced in such a 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 playing, 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 a machine or device shall be prima facie evidence of a violation of this ordinance.
 - (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, if the vehicle's owner is not present at the time of violation, the person in charge of control of the vehicle at the time of the violation is guilty of the violation.
 - (c) Persons or entities may apply for a sound amplification permit from the City for events or activities which may otherwise violate the terms of this ordinance.

- (d) This section shall not apply to sound produced by the following:
- (i) Activities which are authorized or permitted by the City of Glyndon.
 - (ii) Church bells, chimes or carillons.
 - (iii) School bells.
 - (iv) Anti-theft devices.
 - (v) Machines or devices for the production of sound on or in authorized emergency vehicles.
 - (vi) Sound amplifying equipment used to announce sporting events at an athletic facility.
- (e) With the exception of the machines or devices listed in subsection (d), this ordinance shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production and reproduction of sound, whether on public or private property.
3. **Loudspeakers, Amplifiers for Advertising.** The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in any residentially zoned district between the hours of 10:00 p.m. and 8:00 a.m.
 4. **Yelling, Shouting, etc.** Yelling, shouting whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or any persons in the vicinity.
 5. **Animals, Birds, etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
 6. **Whistles of Sirens.** The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work or as a warning for fire or danger, or by public emergency vehicle.
 7. **Exhaust.** The discharge into open air of the exhaust of any vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 8. **Defect in Vehicle or Load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise which shall disturb the comfort and repose of any persons in the vicinity.
 9. **Sound Trucks.** The use of a sound truck or any other vehicle equipped with sound amplifying device that disturbs the comfort and repose of a reasonable person in the vicinity.

10. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street or private property adjacent to any school, institution of learning, church, court, or hospital while the same are in use which unreasonably interferes with the use thereof provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
11. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
12. Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion or erating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
13. Noisy Parties and Gatherings.
 - a. Prohibition. No person shall, between the hours of 10:00 p.m. and 8:00 a.m. congregate at, or participate in any party or gathering of two or more people from which noise emanates or a sufficient volume so as 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 50 feet from the structure or building in which the party or gathering is occurring, or in case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this ordinance.
 - c. Duty to Disperse. When a police officer determines that a party or gathering is in violation of this ordinance, 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. Every owner or such premises, or tenant in charge of such premises, who has knowledge of the disturbance shall cooperate with a police officer or officers and shall make reasonable effort for stop the disturbance and disperse the gathering.
 - e. Exceptions: The following are exempt from violation of this section:
 - (i) Activities which are duly authorized by the City of Glyndon, 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.

f. Prima Facie Evidence of Violation by Owner or Tenant of this Ordinance.

- (i) As to tenants, and owner if owner resides on the premises, if twice or more on the same day, or if on successive days, the Glyndon Police Department or other law enforcement, are called upon to enforce the terms of this ordinance either by citizen complaint or by personal investigation or a peace officer.
- (ii) As to the owner, if the owner does not reside at the premises, if after owner receives written notice of three (3) violations of this ordinance by his/her tenants at any premises owned by the owner in the City within a six (6) month period, and after receipt of such written notice, the Glyndon Police Department is called upon to enforce this ordinance with by citizen complaint or by personal investigation of a peace officer.

SECTION 2. PENALTY

Any person violating any provisions of this ordinance shall be, upon conviction, guilty of a misdemeanor, punishable by a fine not to exceed seven hundred dollars (\$700) and/or confined to the county for a term not to exceed ninety (90) days.

SECTION 3. EFFECTIVE DATE:

This ordinance shall take effect on the date of publication.

SECTION 4. REPEAL:

Upon effective date of this Ordinance, Glyndon City Ordinance No. 139 is hereby repealed.

PASSED by the City Council of the City of Glyndon this 22 day of July, 1998.

APPROVED:

Mayor Lori DeJong

Joanne Stine, Deputy Clerk