ORDINANCE 102  REGULATION OF NOISE ................................................................. 102-1
Section 102.01: NOISES PROHIBITED ................................................................. 102-1
Section 102.02: UNLAWFUL ACTS ................................................................. 102-1
Section 102.03: HOURLY RESTRICTION ON CERTAIN OPERATIONS .......... 102-2
Section 102.04: LANDLORD’S LIABILITY ......................................................... 102-2
Section 102.05: ENFORCEMENT ................................................................. 102-2
Section 102.06 ................................................................. 102-3
ORDINANCE 102  REGULATION OF NOISE

Section 102.01: NOISES PROHIBITED. No person shall make or cause to be made any distinctly and loudly audible noise that is likely to unreasonably or unnecessarily annoy, disturb, injure or endanger 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 restrictions of unlawful acts listed in Section 2.

Section 102.02: UNLAWFUL ACTS. The following acts 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: Horns, Audible Signaling Devices, Etc. No person shall repeatedly sound any audible signaling device on any vehicle except as a warning of danger.

Subd. 2: Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motorboat, motor vehicle, or snowmobile or other recreational vehicle except through a muffler or other device that effectively prevents loud or explosive noises there from and complies with all applicable state laws and regulations.

Subd. 3: Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

Subd. 4: Loading, Unloading, Unpacking, Opening of Boxes. No person shall create loud and excessive noise in loading, unloading, unpacking any vehicle, or the opening and destruction of bales, boxes, crates or containers.

Subd. 5: Radios, Phonographs, Paging Systems, Etc. No person shall use or operate or permit the use of operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner that is likely to disturb the peace, quiet, and comfort of another person at any time with louder volume than is reasonably necessary for convenient hearing of the person or persons who are in the room, vehicle, chamber, or immediate vicinity in which such machine or device is being operated. Operation of any such set, instrument, phonograph, machine, or other device 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 the property line if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
CHAPTER X – NUISANCES & OFFENSES

Subd. 6: Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering or permit any party or other gathering of people giving rise to noise, which is likely to disturb the peace, quiet, or repose of another person. When a police officer receives a complaint and determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped. Any such noise is presumed to have the effect of disturbing the peace, quiet, or repose of another person if it is heard outside the limits of the real estate from which the party is occurring. Such a noisy party or gathering constitutes a violation of this ordinance.

Subd. 7: Animals. No person shall keep any animal that disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise.

Subd. 8: Engine Braking Prohibited.

a) No person may slow a vehicle by the practice known as engine braking, also referred to as "jake braking" or "dynamic braking," whereby rapid downshifting of a vehicle's engine is used in lieu of applying a vehicle's brakes, causing loud noises to emit from the vehicle's engine and exhaust system. Engine braking by any motor vehicle on any public highway, street, parking lot or alley within the corporate limits of the City of St. Joseph is hereby declared to be a public nuisance and is prohibited.

b) The foregoing provision shall not apply to emergency vehicles.

Section 102.03: HOURLY RESTRICTION ON CERTAIN OPERATIONS. No person shall, between the hours of 9:30 p.m. and 6:00 a.m. drive or operate any minibike, or other recreational vehicle not licensed for travel on public highways. Snowmobiles and ATVs shall be controlled by the operation of the Snowmobile and ATV Ordinances and this Ordinance shall not cover the operation of snowmobiles.

Section 102.04: LANDLORD’S LIABILITY. Violations of the noise control regulations shall be the act of the owner of the residential dwelling unit even though he does not reside in the unit as well as the persons on the premises who violate said regulations, except that the owner shall be liable only for those violations occurring after receipt of written notice from the City of St. Joseph or its police department of a violation of the noise control regulations having occurred at the residential dwelling unit. For purposes of this section, owner is defined to include corporations and partnerships as well as individual owners.

Section 102.05: ENFORCEMENT.

Subd. 1: Enforcement Duties. The police department shall enforce the provisions of this Ordinance.
CHAPTER X – NUISANCES & OFFENSES

Subd. 2: Civil Remedies. This Ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 3: Criminal Penalties. Every person who violates any provision of this Ordinance is guilty of a petty misdemeanor. Any individual who is convicted of three or more violations within a three year period shall be guilty of a misdemeanor. Plus, in either case, the costs of prosecution. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Section 102.06: 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.

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