

Burnsville Noise Ordinance

Section 130.01 is our current noise ordinance language

130.01

No person may authorize or cause to be emitted from any property or source under his or her control any noise that is both:

- A. Sufficiently loud to frighten or pose a danger to the health of or seriously disturb any person who:
 - 1. If the noise emanates from a source located on private property, is located on other property or,
 - 2. If the noise emanates from a street or other public property, is located on private property or the street or other public property.
- B. Louder, or of greater duration, or otherwise more disturbing than is reasonably necessary for the performance of some lawful public or private function, enterprise, operation or activity.

The next 2 sections are proposed additions to the ordinance. The first section are proposed exceptions for festivals and commercial businesses. The second section would be the inclusion of a permit application which would allow an individual or business to receive a temporary exception to the ordinance. Both are provided as a discussion starting point with regards to the specific changes the Board might want to implement to the ordinance.

130.97 Exceptions

The following are exempt from the provision of this article

- 1) Sounds emanating from commercial business establishments located within commercial zoning districts for the purposes of entertainment for the patrons of that business between the hours of 9:00am and 9:00pm.
- 2) Sounds emanating from festivals, parades or other events that are approved by the Burnsville Town Council.
- 3) Noise from lawful fireworks and noisemakers on holidays and at religious ceremonies.
- 4) Noise resulting from any authorized emergency vehicle when responding to any emergency call or acting in a time of emergency.
- 5) Musical accompaniment or firearm discharge related to military ceremonies.
- 6) Any other noise resulting from activities of a temporary duration permitted by law, and for which a permit has been issued according to the limits and conditions contained within this chapter.

130.98 Permits to exceed limits.

1. A person or group of persons may produce or cause to be produced sound prohibited in section 130.01 and not listed as an exemption in section 103.97 of this chapter, only if a permit to exceed the limit for the time and place of the activity has been obtained.
2. Any person or group of persons desiring a permit shall apply as provided herein, and shall provide all the information required. All applications shall be submitted to the Chief of Police or his designee at least seven (7) days prior to the scheduled event. Failure to comply with this requirement may be grounds for denying the permit.
3. The Chief of Police or his designee shall have authority to take final action on all applications for permits specified in this article. In considering acting to approve or deny issuance of permits, the Chief of Police or his designee shall consider, but shall not limit consideration to the following:
 - a. the timeliness of the application; the nature of the requested activity;
 - b. previous experience with the applicant;
 - c. the nature of the event;
 - d. other activities in the vicinity of the location proposed;
 - e. the frequency of the application;
 - f. the cultural or social benefit of the proposed activity;
 - g. the effect of the activity on the residential areas of the town;
 - h. previous violations of the requirements of this article, if any, by the applicant.
4. Permits to exceed limits shall specify the duration for which noncompliance shall be permitted and may prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The Chief of Police or his designee may require, without limitation, the following:
 - a. That no sound speakers shall be set up more than ten feet above the ground;
 - b. That the permit holders change the arrangement of loudspeakers or sound instruments so as to minimize the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines.
5. Permit holders shall agree to cooperate with the Police Department in enforcing the Noise Control Ordinance by having signers of the permit available at the site of the event during the entire time for which as permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of the permittee or designees to be present or to assist the police in compliance with this article will result in revocation of the permit.