



**Environmental & Economic
Development Department**
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NOISE CONTROL

Division 3 - NOISE CONTROL

Sec. 18-111. - Prohibition generally; exception.

- (a) At no time shall any person make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes such person's enjoyment of property or affects such person's property values. The general noise prohibition stated above shall always be in effect, however, any excessive noise during the following hours of noise prohibition shall be strictly enforced. There shall be no excessive noise or disturbance between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday and all day Sunday. These hours of noise prohibition apply to construction, business, institutional and residential activities.
- (b) Exceptions. 1) This division allows the following types of noise-generating activities that are necessary and typically occur in all parts of the city during daylight hours but not before 7:00 a.m.: lawn mowing, the use of landscape-maintenance equipment, power tools, etc. All forms of snow clearing may be permitted anytime due to necessity. 2) If there is an event or activity that is sponsored by the city, or a party has a permit for a noise-generating activity issued by the city, the prohibition noted in paragraph (a) does not apply.
- (c) Repetitive or continual noises, that may not be audibly loud, may be equally disturbing. Such noises shall also be prohibited.
- (d) The city manager may waive the requirement in subsection (a) of this section where the activity would not cause a nuisance and where the proposed activity would not be within 350 feet of a residential use. The city manager's decision may be appealed to the city council. If an appeal is filed, the property owners within 350 feet of the proposed activity shall be notified of the waiver request at least ten days before the council meeting. A list of the property owners, certified by an abstract company or the county abstract office, shall be submitted with the waiver request. (Ord. No. 869, § 1, 6-12-2006)

Sec. 18-112. - Construction activities.

All construction activities, including the use of any kind of electric, diesel or gas-powered machine or other equipment, shall be subject to this division. A copy of this division shall be attached to each construction permit issued by the city. The applicant for the permit shall be required to sign the copy, acknowledging that he has read and understood it, before a permit can be released. (Ord. No. 869, § 2, 6-12-2006)

Cross reference— Buildings and building regulations, ch. 12

Revised 3/2016

Sec. 18-113. - Enforcement. Modified

- (a) *Police department authority.* The police department shall enforce this division. The police department may inspect private premises other than private residences and shall make all reasonable efforts to prevent violations of this division.
- (b) *Civil remedies.* This division may be enforced by injunction, action for abatement or other appropriate civil remedy.
- (c) *Noise impact statements.* The council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the council. It shall evaluate each such statement and take the evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.
- (d) *Criminal penalties.* Every person who violates any section of this division is guilty of a misdemeanor and shall, upon conviction, be in accordance with section 1-15. Each act of violation and each day a violation occurs or continues constitutes a separate offense.
(Ord. No. 869, § 3, 6-12-2006)