

STATE OF MINNESOTA

**COUNTY OF STEARNS
CITY OF ST. AUGUSTA**

ORDINANCE No. 2013-05

**AN ORDINANCE RELATING TO CONSTRUCTION NOISE, AND IMPOSING
PENALTIES FOR VIOLATION.**

THE COUNCIL OF THE CITY OF ST. AUGUSTA DOES ORDAIN:

SECTION 1. Construction Activities.

No person shall engage in or permit construction activities involving the use of hammers or the use of any kind of air, electric, diesel, or gas powered machine or other power equipment between the hours of 9:00 p.m. and 7:00 a.m.

SECTION 2. Exceptions for Special Events.

The City Council shall have the authority, consistent with this section, to grant exceptions from the requirements of any section of this ordinance for special events. Any person seeking an exception shall file an application at City Hall with the City Clerk or his/her designee on a form prescribed by the City. The application shall state the dates during which the application is proposed, the location of the noise source and time of operation, the nature of the noise source, reasons why the exception is sought, steps taken to minimize the noise level, and such other information as is required by the City.

SECTION 3. Exception for Emergency Work.

Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed 24 hours after the work is commenced. Persons responsible for such work shall inform the police department, Building Inspector and City Administrator of the need to initiate such work or, if the work is commenced during non-business hours of the City, at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

SECTION 4. Penalty

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$1,000.00. Any

person who violates any provision of this ordinance may also be subject to an administrative fine of \$100 per violation pursuant to City ordinance No. 2005-12, titled An Ordinance To Provide For Administrative Enforcement Of Code Regulations. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

SECTION 4. SEVERABILITY.

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

This ordinance shall be effective upon its passage and publication in the official newspaper of the City.

Passed this 6th day of August, 2013

B.J. Kroll
Mayor

ATTEST:

William R. McCabe
City Clerk