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97-Or- 062

1ST READING: 5/9/97
REFERRED TO (NAME OF) COMMITTEE: PS&RS
PUBLIC HEARING: 5/28/97 & 6/18/97
2ND READING AND FINAL PASSAGE: 7-11-97

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By **Biernat, McDonald and Minn** presents the following ordinance:

Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses--Miscellaneous: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 385.95 of the above-entitled ordinance be and is hereby repealed.

~~385.95. Radios, tape and disc players, etc. (a) No person shall play, use, or operate any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner, considering the time and place and the purpose for which the sound is produced, as to unreasonably disturb the peace, quiet, or repose of a person or persons of ordinary sensibility.~~

~~(b) The play, use, or operation of any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from said machine or device shall be prima facie evidence of a violation of this section.~~

~~(c) When sound violating this section is produced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation; provided, however, that if the vehicle's owner is not present, the person in charge of the vehicle at the time is guilty of the violation.~~

~~(d) The noise level limitations prescribed in section 389.60 shall not be applicable to sounds emanating from the sources set forth in this section.~~

~~(e) This section shall not apply to sound produced by the following:~~

~~(1) Amplifying equipment used in connection with activities for which permits have been granted pursuant to section 389.105;~~

~~(2) Antitheft devices; and~~

~~(3) Machines or devices for the production of sound on or in authorized emergency vehicles.~~

~~(f) With the exception of the machines and devices listed in subsection (e), this section shall apply to all radios, tape and disc players, musical instruments, phonographs, and machines and devices for the production of sound, whether on public or private property.~~

Section 2. That Section 385.100 of the above-entitled ordinance be and is hereby repealed.

385.100. Unnecessary noise or odors generally. No person, in any public or private place, shall make, or assist in making, by any manner or means, any loud, unpleasant or raucous noise or odor that unreasonably disturbs the peace, quiet or repose of a person or persons of ordinary sensibility, unless the same be reasonably necessary to the preservation of life, health, safety or property.

Section 3. That Section 385.110 of the above-entitled ordinance be and is hereby repealed.

385.110. Noisy assembly. (1) Definition. Whenever used in this section, the term "noisy assembly" shall mean a gathering of more than one person in a residential area or building between the hours of 10:00 p.m. and 7:00 a.m. that produces noise that unreasonably disturbs the peace, quiet, or repose of a person or persons of ordinary sensibility.

(2) Prohibition.

(a) No person shall participate in, visit, or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly, except persons who have come to the gathering for the sole purpose of abating the disturbance.

(b) No person shall knowingly permit real estate under such person's care or control to be used for a noisy assembly.

Section 4. That Section 385.115 of the above-entitled ordinance be and is hereby repealed.

385.115. Unnecessary noise or odors to be public nuisances. The city council of the City of Minneapolis hereby declares that any loud, unpleasant or raucous noise, or odor that unreasonably disturbs the peace, quiet or repose of a person or persons of ordinary sensibility, is a public nuisance, unless the same be reasonably necessary to the preservation of life, health, safety or property.

Whoever permits real property under his/her ownership or control to be used to maintain a public nuisance, or lets the same knowing it will be so used, is guilty of a misdemeanor.

Due to the nature of this public nuisance, notice and compliance time periods for abatement of offensive conditions as set forth in section 227.100 of this Code shall not apply.

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic							Thurber						
Campbell							McDonald						
Biernat							Mead						
Rainville							Schulstad						
Niland							Minn						
Scott							President						
Herron							Cherryhomes						

PASSED JUL 11 1997 APPROVED NOT APPROVED - VETOED JUL 17 1997
DATE DATE

John Chapp

Ken Butler