

ORDINANCE NO. 2009-02

AN ORDINANCE AMENDING GRAND MARAIS CODE, CHAPTER 46, BY CREATING
AN EXCEPTION TO NOISE NUISANCES WITHIN THE CITY FOR LIVE MUSICAL
PERFORMANCES

The City of Grand Marais Ordains:

Section 1. Grand Marais Code, Chapter 46, is amended as follows:

§. 46-9. Noise as a public nuisance.

(a) Generally.

(1) Unless otherwise permitted by the city council, it shall be unlawful for any person to make, continue, permit or cause to be made, continued or permitted within the city, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.

(2) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of paragraph (a) of this section, shall include, without limitation, the following:

- a. The time of day or night when the noise occurs.
- b. The duration of the noise.
- c. The proximity of the noise to a sleeping facility and/or a residential area.
- d. The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.
- e. The number of people and their activities that are affected or are likely to be affected by the noise.
- f. The sound peak pressure level of the noise, in comparison to the level of ambient noise.

(b) Noisy assembly.

(1) Defined. The term "noisy assembly" shall mean a gathering of more than one person in a residentially zoned or used area or building that would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities present in the area, considering the time of day and the residential character of the area, due to loud, disturbing or excessive noise.

(2) Permitting noisy assembly. It shall be a violation of this section for any person having dominion, care or control of a residentially zoned or used area or building knowingly to permit a noisy assembly.

(3) Remaining at a noisy assembly. It shall be a violation of this section to participate in, visit or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly, except any person(s) who has/have come to the gathering for the sole purpose of abating the noisy assembly.

(d) Amplified sound. It shall be a violation of this section to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties, and is audible above the level of conversational speech at a distance of ~~fifty (50)~~ one hundred (100) feet or more from the point of origin of the amplified sound. This section shall not apply to live musical performances:

- 1) between the hours of 12:00 o'clock noon and 10:00 o'clock p.m Sundays through Thursdays; and
- 2) between the hours of 12:00 o'clock noon and 12:00 o'clock midnight on Fridays and Saturdays; and
- 3) between the hours of 12:00 o'clock noon and 12:00 o'clock midnight on the Sunday before Labor Day, the Fourth of July, and the Sunday before Memorial Day.
- 4) The city council may permit other exceptions to the foregoing restrictions in connection with the application for a festival or street and sidewalk use permit.

Section 2. This ordinance shall be effective upon publication.

Sue Hakes, Mayor

Attest:

Michael Roth
City Administrator

First Reading:

Date: June 24, 2009

Ayes:	<u>Costello, Hakes, Kennedy, Lenz, Sivertson</u>	
Nays:		
Absent:		

Second Reading:

Date: July 8, 2009

Ayes:	<u>Costello, Hakes, Kennedy, Sivertson</u>	
Nays:	<u>Lenz</u>	
Absent:		

Published: _____, 2009.