

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-174

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Chapter 130: General Offenses; Sections 130.45-130.48 of the Lake Elmo Code of Ordinances to read the following:

**NOISE CONTROL**

**§ 130.45 NOISE PROHIBITED.**

It shall be unlawful to make, continue, or cause to be made or continued, any noise in excess of the noise levels set forth unless noise is reasonably necessary to preserve life, health, safety, or property.

(1997 Code, § 1370.01) Penalty, see § 10.99

**§ 130.46 MEASUREMENT OF NOISE.**

(A) Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise levels of the property line of any property (or if a condominium or apartment house within any adjoining apartment) by more than 6 decibels above the ambient noise levels as designated by Minn. Rules Ch. 7030.

(1997 Code, § 1370.02) Penalty, see § 10.99

**§ 130.47 CONSTRUCTION EQUIPMENT.**

*Purpose.* The City understands that exceeding decibels above the ambient noise level is necessary from time to time in order to perform construction and make necessary improvements within the City. The following exemptions from ambient noise levels outlines specific times during which such activity may take place.

*Definitions, for the Purpose of this Section.* “Heavy equipment” shall mean compactors/rollers, cranes, dozers, dump trucks, excavators, forklifts, graders, jackhammers, loaders, pavement breakers, pile drivers, portable crushers, tractors, trenchers, or other pieces of equipment that generate similar levels of noise. “Operated” shall include engine start-up or warm-up, or any activity involving heavy equipment that exceeds ambient noise levels.

(A) Heavy equipment operated the purpose of construction exceeding ambient noise levels may be operated between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and on Saturdays from 8:00 a.m. to 6:00 p.m. No heavy equipment exceeding ambient noise levels at the property line may be operated on Sundays or

state and federal holidays. No equipment shall be operated at any time if the sound level from the operation exceeds 100 decibels measured along any property line.

(B) An exemption for activities which the City Administrator find are of urgent necessity and in the interest of public health and safety may be granted by written permission for the operation during any hour of any day for a period not to exceed 3 days or less while the emergency continues. Written permission may be renewed for periods of 3 days or less while the emergency continues.

(C) Construction activity involving operation of equipment producing a sound level of up to 95 decibels that takes place no less than 1,200 feet in any direction from any dwelling may be allowed, through written permission granted by the City Administrator, for operation during any hour of any day. Ambient noise levels must be maintained at the property line.

#### **§ 130.48 OUTDOOR IMPLEMENT.**

(A) Outdoor implements designed primarily for outdoor use, including but not limited to any power lawn mower, snowblower, power hedge clipper, power saw may be operated at any time.

#### **§ 130.49 SPECIAL EVENT**

(A) Activities which are issued a special event permit may exceed the maximum-allowed decibel level provided sound is not unreasonably loud or creates a nuisance or disturbance to the peace and tranquility of the citizens.

**SECTION 2. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 3. Adoption Date.** This Ordinance 08-174 was adopted on this 2<sup>nd</sup> day of May, 2017, by a vote of 3 Ayes and 1 Nays.

**LAKE ELMO CITY COUNCIL**



Mike Pearson, Mayor

ATTEST:



---

Julie Johnson, City Clerk

This Ordinance 08-174 was published on the 17<sup>th</sup> day of May, 2017.