



CITY OF BUFFALO, MINNESOTA

Filing Fee \$25

Date \_\_\_\_\_

## Application for Request of Noise Variance

Applicant Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

### INFORMATION ABOUT EVENT

Name of Property Owner: \_\_\_\_\_

Location of Event: \_\_\_\_\_ Buffalo, MN

Reason for Noise Variance at Event: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_ Time-Frame: \_\_\_\_\_

### ADDITIONAL REQUEST(S) - Services Provided by the Buffalo Police Department

**Street Blocking/Barricades** – Provide map of streets with indication of which street(s) you wish to have closed off from the general public’s use. Please note that this does not guarantee street closure. The Buffalo Police Department will determine if your request will not interrupt normal traffic flow or complications.

**Other** – Please indicate: \_\_\_\_\_

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning Ordinances and current Administrative procedure. I further acknowledge the fee explaining as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## **CHAPTER 10 - SEC. 10.08 NOISE NUISANCES**

No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, peace, safety, or welfare of any persons or precludes their enjoyment of property or affects their property value.

### **SUBD. 1. PROHIBITED ACTS.**

The following acts are loud, disturbing, and unnecessary noises that are prohibited:

1. The continual sounding of a horn, siren, or other signaling device on a motor vehicle, except in cases of imminent danger or emergency; or the amplification of sound emitted by a signaling device beyond that of its design. Burglar alarms, sirens or similar devices installed and operated for the use specified by the manufacturer, are exempt from the provisions of this section if they sound no longer than 15 minutes;
2. A radio receiving set, musical instrument, phonograph, stereo, or other machine or device used for reproduction of sound used or operated in a manner to unreasonably disturb the peace, quiet, or comfort of a person in its vicinity. The operation of a receiving set, instrument, phonograph, stereo machine or device between 10:00 p.m. and 7:00 a.m. is prima facie evidence of a violation of this section if done in a manner to be plainly audible:
  - a. At the real property boundary of the building, structure, residence, or other area in which it is located; or
  - b. At a distance of 50 feet from any motor vehicle in which it is located.
3. Attracting the attention of the public to a business, building, structure, vehicle, or other area by creating an unreasonably disturbing noise including, but not limited to crying out, sounding a horn, ringing a bell, or issuing music or sound broadcasts through any radio receiving set, musical instrument, phonograph, stereo, loud speaker, sound amplifier, or other machine or device for the production or reproduction of sound. In addition, a person must not create unreasonably loud or disturbing noise through the use of a sound production or reproduction device in activities or proceedings of a business including, but not limited to, the use of loud speakers for communications. If speaker or sound systems are required by law for safety reasons, businesses are exempt from the provisions of this section;
4. Any disturbing noise in any multi-family residential building audible beyond the boundaries of the area or premise owned, rented, leased, or used by the person;
5. The loading or unloading of a motor vehicle or handling of bales, boxes, crates, or containers in a manner to cause unreasonably loud, unnecessary or disturbing noise;
6. Disturbing noise adjacent to a school, learning institution, religious institution, court, hospital, home for the aged, or other similar institution which unreasonably interferes with the working of the institution or unreasonably disturbs or annoys inhabitants of the institution, provided that a conspicuous sign indicating the presence of the institution is clearly displayed;

7. The operation of a motor vehicle, a mini-bike or other similar vehicle device in a way which results in the squealing of tires or the creation of other disturbing noise on a highway, private road, public or private parking lot, driveway, or other property in the city, except when there is reason to do so for the safe operation of the vehicle;
8. The use of a compression release engine or braking system, commonly know as a "Jake- Brake", except in an emergency;
9. The operation of an internal combustion engine or the repairing, rebuilding, building or testing of vehicles or equipment in a manner to create unreasonably disturbing noises;
10. Operation of earthmoving or related construction equipment on residential property during more than 5 days within a 30 day period, except during construction or remodeling activity for which a building or grading permit has been obtained;
11. When a police officer determines that participation in a party or gathering that creates unreasonably loud or disturbing noises as determined at the property line or boundary of the building, structure, rental unit, yard, or other portion of the property where the party or gathering occurs. When a party or gathering creates unreasonably loud or disturbing noises, all persons except the owner, renter, lessee or other occupants must promptly leave the premises in an orderly manner; and
12. The operation of a public address or sound amplification system in a public or private park, unless a permit has been received from the parks department two weeks before the event or unless it is necessary for the safe operation of the facility. Permits will only be issued for special events such as high school athletic contests, amphitheater events, or in other circumstances determined to be appropriate by the city.

**SUBD. 2. OPERATIONAL LIMITS FOR VARIOUS SOUND SOURCES.**

1. A person must not engage in, permit, or allow construction or grading activities involving the use of power equipment, or other activities resulting in unreasonably loud or disturbing noise at any time other than between 7:00 a.m. and 10:00 p.m.
2. A person must not operate outdoor power implements including, but not limited to, power lawn mowers, power hedge clippers, power saws, or other such implements at any time other than between 7:00 a.m. and 10:00 p.m. Operation of equipment for snow removal is exempt from the provisions of this section when initiated within 12 hours of completion of a recent snowfall.

**SUBD. 3. EXCEPTIONS TO REGULATIONS.**

The foregoing regulations do not apply to:

1. Noise necessary for the protection or preservation of property or the health, safety, or life of a human being;
2. The operation of motor vehicle on public streets and highways in compliance with state and local laws;
3. Operation of locomotives and railroad cars;
4. Sirens, warning devices or other equipment used by public safety personnel in emergency situations; and

5. Emergency work such as utility maintenance and snow removal necessary to restore public service or to eliminated a hazard, or maintenance activities conducted or contracted for by the city of Buffalo.

**SUBD. 4. VARIANCES.**

The variances may be permitted administratively from the strict compliance with the provisions of this chapter if there are special circumstances or conditions that exist and the granting of a variance will not materially affect the health affect the health, safety or general welfare of the public. Administrative staff at its discretion, may require notification of nearby property owners if a variance to the provisions of this ordinance is to be considered. An application for a variance shall state the dates during which the variance is proposed, the location of the noise source and the times of operation, the nature of the noise source, reasons why the variance is sought, and steps taken to minimize the noise level.

Source: Ordinance No. 72, Series V

Effective Date: 9-13-2007

**SUBD. 5. PENALTY.**

A person who violates any provision of this section is guilty of a misdemeanor, and shall, upon conviction, be subject to fine of not more than \$700.00 or imprisonment not to exceed 90 days, or both. In all cases the City shall be entitled to collect the costs of prosecution to the extent outlined by law, Rules of Criminal Procedure and Rules of Court. Each act of violation and each day a violation occurs constitutes a separate offense.

**SUBD. 6. 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 be invalidated.

Source: Ordinance No. 58, Series V

Effective Date: 6-03-2004

<http://www.ci.buffalo.mn.us/city-ordinances/chapter-10/sec-10-08-noise-nuisances/>