

St. Joseph Township Ordinance No.

[INSERT NUMBER]

Final Draft 8-18-25

An Ordinance Regulating Noise Levels in St. Joseph Township

SECTION 1.0 – STATUTORY AUTHORIZATION AND PURPOSE

1.1 Purpose.

The purpose of this Ordinance is to implement reasonable and necessary measures to protect the health, safety, welfare, and comfort of the residents of St. Joseph Township. It regulates outdoor amplified music generated as part of a commercial operation, ensuring compliance with the State Noise Standards outlined in Minnesota Rules, Chapter 7030.

SECTION 2.0 – GENERAL PROVISIONS

2.1 Severability.

If any section, paragraph, sentence, clause, phrase, or portion of this Ordinance is determined to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

2.2 Interpretation and Application.

When outdoor amplified music is produced at a Commercial Operation, the Business Owner shall ensure that sound levels do not exceed the State Noise Standards as measured at the property lines, in accordance with Minnesota Rules, Chapter 7030.

2.3 Responsibility to Demonstrate Compliance.

The Business Owner requesting four (4) or less Events per year shall electronically submit sound level monitoring reports to the Township within ten (10) business days following each Event or prior to the next Event, whichever occurs first -

The Business Owner requesting five (5) or more Events per year shall electronically submit sound level monitoring reports to the Township within two (2) business days following each Event.

SECTION 3.0 – DEFINITIONS

3.1 "Commercial Operation."

A fixed or mobile business enterprise where outdoor amplified music is present and either admission is charged or where goods or services are sold.

3.2 "Business Owner."

The individual(s) or legal entity responsible for managing or operating the Commercial Operation.

3.3 "Event."

Any activity that generates Noise extending beyond the property boundaries of the premises on which it is held.

3.4 "Noise."

Amplified music or sounds originating from an outdoor location or a structure not fully enclosed.

3.5 "Guide."

A Guide to Noise Control in Minnesota published by the Minnesota Pollution Control Agency (MPCA).

SECTION 4.0 – GENERAL REQUIREMENTS

4.1 Monitoring and Compliance Standards.

When Noise is generated by a Commercial Operation, the Business Owner must ensure compliance with Minnesota Rules, Chapter 7030. The following conditions apply:

- a. Sound level monitoring must occur during any instance where outdoor amplified music is audible, following the Guide's measurement procedures.
- b. Sound level meters and microphones used must meet the specifications outlined in Section 3 of the Guide.
- c. Testing procedures must comply with Section 3 of the Guide.
- d. Real-time sound level reports (live telemetry that is logged as the Noise is produced) must be generated for the applicable Noise Area Classification (NAC) under MN Rule 7030. L10 & L50 reports must be generated and retained for at least one (1) year and submitted to the Township electronically.

4.2 Permit Requirement.

A Township permit is required for any Event where attendance may exceed 100 persons. Any Business Owner required to obtain a permit shall submit a completed application to the Township Clerk no fewer than thirty (30) calendar days prior to the scheduled Event. The application shall include:

- a. The name and contact information of the Business Owner or designated representative;
- b. The date(s) and time(s) of the proposed Event;
- c. A description of the type of amplified music or entertainment to be provided;
- d. An estimate of anticipated attendance;
- e. A description of the sound monitoring plan, including equipment to be used and

designated personnel; and

f. Any other information reasonably required by the Township to assess compliance with this Ordinance.

Multiple Events may be included in a single application. The Township Board shall approve or deny the permit based on the applicant's ability to comply with all applicable provisions of this Ordinance. In reviewing a permit request, the Township Board may consider prior violations, community complaints, and cumulative Event impacts in determining whether issuance is consistent with the public interest. Denials shall be provided in writing and shall state the reasons for the denial.

If any property within 1,500 feet of the Commercial Operation is classified as NAC 1 (Noise Area Classification 1) under Minnesota Rules and the Business Owner requests Events to occur more than twice in any month, a public hearing is required. The public hearing shall be held by the Township with mailed notice to all property owners within 1,500 feet of the Commercial Operation. Such a public hearing must be conducted at least 15 days before the first proposed event. The Business Owner shall be responsible all mailed and published notice costs incurred by the Township.

4.3 Outdoor Event Limitations.

No Commercial Operation shall conduct more than 24 Events per year.

4.4 County-Issued Conditional Use Permits.

Any conditional use permit issued by Stearns County in conjunction with the Township shall incorporate and be subject to the provisions of this Ordinance.

SECTION 5.0 – INSPECTIONS

5.1 Property Access and Notification.

The Township Board of Supervisors reserves the right to conduct sound level measurements on the premises of a Commercial Operation to verify compliance. A right of entry granted by the Business Owner to the Township for entry into the Commercial Operation for sound measurement is a condition of all permits required under Section 4.2. Notice shall be given to the Business Owner prior to entry.

5.2 Property Line Measurements.

The Board reserves the right to measure sound levels at the property lines of the Commercial Operation, including from neighboring private properties, without prior notice to the Business Owner.

SECTION 6.0 – ENFORCEMENT

6.1 Legal Action.

Violations of this Ordinance shall be deemed a public nuisance and may be abated through injunctive or other appropriate legal relief in a court of competent jurisdiction.

6.2 Law Enforcement.

The Stearns County Sheriff's Department is authorized to enforce the provisions of this Ordinance.

6.3 Exemptions.

Upon written request, the Township Board of Supervisors may grant a limited exemption to this Ordinance for a specific Event or period, subject to any conditions deemed necessary by the Board.

SECTION 7.0 – PENALTIES

7.1 Violations and Fines.

Failure to comply with noise limits, conduct required monitoring, generate or retain reports, or submit such reports to the Township within the specified number of business days listed in Section 2.3 after an Event constitutes a petty misdemeanor, subject to a fine of up to \$300 per violation. The Township may suspend or revoke any permit issued under Section 4 if the Business Owner repeatedly fails to comply with the provisions of this Ordinance. The Township may seek injunctive or other equitable relief to prevent continuing or future violations, in addition to any criminal or civil penalties. The Township may recover its actual costs of enforcement, including consultant fees, testing costs, and attorney's fees, through a special assessment or civil action against the Business Owner.

SECTION 8.0 – EFFECTIVE DATE

This Ordinance shall take effect following its adoption and publication as required by law.

ADOPTED BY THE ST. JOSEPH TOWNSHIP BOARD OF SUPERVISORS THIS

___ DAY OF _____, 20___

APPROVED:

St. Joseph Township Board of Supervisors

ATTEST:

St. Joseph Township Clerk