

**ORDINANCE**  
**By Chughtai, Ellison, and Osman**

**Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Noise.**

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

Section 1. That Section 389.40 of the above-entitled ordinance be amended to read as follows:

**389.40. - Enforcement.** ~~The assistant city coordinator for regulatory services and the~~ commissioner of health, chief of police, or their designees, are authorized and directed to administer and enforce the provisions of this article.

Section 2. That Section 389.60 of the above-entitled ordinance be amended to read as follows:

**389.60. - What constitutes violation.** (a) Activities generating sound that is ten (10) dB(C) Leq or more above the ambient noise level during the daytime or five (5) dB(C) Leq or more above the ambient noise level during the nighttime when measured within a building occupied by the complainant. All measurements pursuant to this subsection shall be made using the C-weighted network, and taken indoors with the doors and windows closed, and within the unit occupied by the complainant. If separation of low frequency noise cannot be determined with the meter using dB(C) and low frequency tones are clearly audible, a sound level measurement in terms of one-third (1/3) octave band frequencies shall be utilized. If this approach is required, a ten (10) dB(C) increase over ambient levels in any one-third (1/3) octave band due to the amplified music shall be considered a violation of this chapter.

(b) Any sound measured outside in excess of the limits as set forth in Minnesota Rules, Chapter 7030 provided that such sound is five (5) dB(A) or more above ambient noise levels.

(c) Sounds emanating from the operation of the following are exempt from the provisions of this section and section 389.65(a):

(1) Motor vehicles on traffic ways of the city.

(2) Aircraft in flight.

(3) Outdoor implements, such as power lawn mowers, leaf blowers, snow blowers, power hedge clippers and power saws.

(4) Pile drivers, jackhammers, cranes, scrapers, dump trucks, backhoes, bulldozers and other construction equipment.

(5) Official athletic activities at outdoor stadiums owned or operated by the University of Minnesota or the Minnesota Ballpark Authority.

(6) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of 7:00 a.m. and 10:00 p.m.

(7) Rail traffic.

(8) Repairs and maintenance of utility structures when the utility structures pose a clear and immediate danger to life or health or significant loss of property, and the repairs and maintenance are necessary for the safety and commercial vitality of the city.

(9) Sounds created by bells, chimes, carillons, amplifying equipment, or sounds associated with religious worship no more than ~~ten (10)~~ six (6) minutes in any one (1) hour and no more than sixty (60) minutes in a twenty-four-hour period, ~~between the hours of 7:00 a.m. and 10:00 p.m.~~

(10) ~~Sounds~~ Except as provided in section 389.60(c)(9), sounds emanating from amplifying equipment that is in full compliance with a permit issued pursuant to section 389.105.

(d) No noise shall be prohibited or restricted under the authority of this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:

(1) In furtherance of a compelling governmental interest.

(2) The least restrictive means of furthering that compelling governmental interest.

(3) Consistent with Article I, Section 16 of the Minnesota Constitution.

(e) No noise shall be prohibited or restricted under the authority of this section which substantially limits speech unless such a prohibition or restriction:

(1) Serves a significant governmental interest as applied in a particular case.

(2) As applied in the particular case there are other ample alternative channels for communication of the information.

(3) Application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.