

CITY OF CARLTON

ORDINANCE #180

AN ORDINANCE PROHIBITING EXCESSIVE VEHICLE NOISE, INCLUDING NOISE FROM TRUCKS USING ENGINE RETARDING BRAKES, AND ADOPTING BY REFERENCE MINNESOTA STATUTES SECTIONS 169.69 AND 169.693 AND MINNESOTA RULES PARTS 7030.1000 TO 7030.1050.

THE CITY COUNCIL OF THE CITY OF CARLTON ORDAINS:

Section 1 Definition. For the purposes of this ordinance, the following phrases are defined as follows:

A. "Engine retarding brake" shall mean a Dynamic Break, Jake Break, and Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

B. "Abnormal or excessive noise" shall mean (a) distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value; (b) noise in excess of that permitted by Minnesota Statutes Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (c) noise in excess of that permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.

Section 2 It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

Section 3 It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

Section 4 Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

Section 5 Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in

this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this ordinance are in full force and effect even if no signs are installed.

Section 6 It is the intention of the City Council that all future amendments to any statutes and rules referenced or adopted by reference in this ordinance are also referenced or adopted by reference as if they had been in existence at the time this ordinance was adopted.

Section 7 Any person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a petty misdemeanor and punished by a fine of not more than \$300.00.

Section 8 This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of the City of Carlton, this 14th day of September 2006.
Published in the Pine Journal September 20, 2006.

Signed:

Dennis Randelin
Mayor

Attest:

Lynn Habegger
City Administrator