

**CHAPTER 5. EXCESSIVE VEHICLE NOISE<sup>1</sup>****Article 1. In General.****Section 5-1. Definitions.**

For purposes of this Chapter, the following phrases are defined as follows:

**Engine Retarding Brake.** A Dynamic Brake, Jake Brake, 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.

**Abnormal or Excessive Noise.** 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 value; (b) noise in excess of that permitted by Minnesota Statutes §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 §169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and rules may be amended from time to time, which establish state laws and regulations.

**Section 5-2. Unlawful to Discharge Exhaust Except Through a Muffler.**

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 5-3. Unlawful to Use Engine Retarding Brake.**

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

**Section 5-4. Referenced Statutes and Rules.**

Minnesota Statutes §169.69 and 159.693 (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.

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<sup>1</sup> Adopted January 12, 2011 under Ordinance No. 2011-01 *An Ordinance Prohibiting Excessive 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.*

**Section 5-5. Signs May be Installed.**

Signs stating “Vehicle Noise Laws Enforced” may be installed at locations deemed appropriate by the Board of Supervisors to advise motorists of the prohibitions contained in this Chapter, 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 or permits from any other road jurisdiction. The provisions of this Chapter are in full force and effect even if no signs are installed.

**Section 5-6. Future Amendments.**

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

**Section 5-7. Violations and Penalties.**

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

**Section 5-8. Effective Date.**

This Chapter becomes effective from and after its passage and publication.

**Section 5-9 through 5=12. Reserved.**