

ORDINANCE NO. 396, 2nd Series

AN ORDINANCE OF THE CITY OF ELY, MINNESOTA,
AMENDING CHAPTER 10, SECTION 10.29 NOISE CONTROL

THE COUNCIL OF THE CITY OF ELY DOES HEREBY ORDAIN:

SECTION 1. Chapter 10, Section 10.29, of the City Code of the City of Ely, Minnesota is amended to read as follows:

Subd. 1. Purpose. The purpose of this Section is to protect and promote the public health, safety and general welfare by restricting activities emitting noise which unreasonably annoy, disturb, injure or endanger the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value.

Subd 2. Noises Prohibited.

A. General Prohibition. 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, health, peace, safety, or welfare of any persons or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following Subdivisions. Furthermore, unless specifically addressed in the provisions below, all noise-related matters shall comply with Minnesota Rules Chapter 7030, Noise Pollution Control, including the noise standards set forth in Minnesota Rules 7030.0040.

B. Passenger Vehicles. No person shall operate a passenger vehicle as defined by Minnesota Statutes Section 169.01 within the City of Ely in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency. Every passenger vehicle operated within the City of Ely shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not be capable of emitting or producing a sharp popping or crackling sound. Every passenger vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle. All passenger vehicles operated on the streets and highways within the City of Ely must have the original pollution control devices installed and in good working order. No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a City of Ely street or highway.

C. Motorcycles, Snowmobiles and All-Terrain Vehicles (ATVs). No person shall operate a Motorcycle as defined by Minnesota Statutes Section 169.01, snowmobile as defined in Ely City Code, Chapter 8, Section 8.08, Subdivision 1, or ATV as defined in Ely City Code, Chapter 8, Section 8.09, Subdivision 1 within the City of Ely in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency. Motorcycle, snowmobile or ATV operated within the City of Ely shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not be capable of emitting or producing a sharp popping, crackling or piercing sound. All motorcycle and ATV exhaust must pass through

a spark arrester that substantially conforms with the original factory installed part for such vehicle. All exhaust, muffler and spark arrester devices must comply with all applicable State laws and regulations. No person shall use a muffler cut-out, by-pass, straight pipe, or similar device on a motorcycle, snowmobile or ATV.

It shall be an affirmative defense to a charge under this Subsection that the motorcycle, snowmobile or ATV contains an exhaust and muffler system in good working order that meets or exceeds the factory installed exhaust and muffler in noise and sound reduction. The person asserting the affirmative defense has the burden of proof by clear and convincing evidence. This affirmative defense does not apply when the person asserting the defense had operated or allowed to be operated the motorcycle, snowmobile or ATV at such a high engine speed or throttle so as to create unreasonable and unnecessary noise.

D. Horns, Audible Signaling Devices, Etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger, as required by Minnesota Statutes Section 169.68.

E. Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

F. Loading, Unloading, Unpacking. No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle within a residential area.

G. Motor Vehicle Electronically Amplified Sound Systems. No person shall allow a motor vehicle to emit any electronically amplified sound that is plainly audible to another person inside another motor vehicle having its windows and doors closed, inside a house or other building having its windows and doors closed, or outside and at a distance of at least 150 feet. No person shall operate a motor vehicle while allowing any electronically amplified sound device contained within the vehicle to emit sound at such volume as to interfere with the operator's ability to hear sirens, horns or other signaling devices used by an authorized emergency vehicle as defined in Minnesota Statutes Section 169.01, to hear horns or other signaling devices of other motor vehicles when actually used as a warning of danger, or to otherwise interfere with the safe and proper operation of the motor vehicle or endanger the safety of others.

This Subsection shall not apply to the following devices:

1. Sirens, horns or other signaling devices used by an authorized emergency vehicle as defined in Minnesota Statutes Section 169.01;
2. Vehicles in parades, events, demonstrations, or civic celebrations authorized by the City;
3. Motor vehicle horns when actually used as a warning of danger;

4. Anti-theft devices installed on motor vehicles.

H. Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person, unless the gathering involves a parade, event, demonstration or civic celebration authorized by the City. When a Police Officer determines that a gathering is creating an unreasonable disturbance, the Officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a Police Officer to do so. Every owner or tenant of such premises who has knowledge of an unauthorized or unreasonable disturbance shall make every reasonable effort to see that the disturbance is stopped.

I. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.

J. Schools, Churches, Hospitals, Etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

K. Radios, Phonographs, Paging System, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, sound amplifying machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 109:00 p.m. and 7:00 a.m., ~~except between 11:30 p.m. and 7:00 a.m. on July 4th and between the hours of 11:00 p.m. and 7:00 a.m. on the Saturday of the Annual Blueberry Arts Festival,~~ in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of fifty (50) feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this Section.

L. Amplification Permit. An amplification permit, modifying the hours related to Section 10.29, subd. 2, ~~KL~~, may be obtained by completing an application with the Clerk Treasurer's Office and upon approval of that application by the Council. Permits shall be issued on a case by case basis, shall be limited in scope and time, and may contain conditions, per the sole discretion of the Council.

SECTION 2. Effective Date: Pursuant to Section 3.08 of the Charter of the City of Ely, Minnesota, the adoption of this Ordinance is effective 30 days after final adoption and publication.

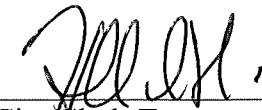
First Reading: December 2, 2025

Adopted this 16th day of December, 2025.



Mayor

Second Reading: December 16, 2025



City Clerk-Treasurer

Publication Date: December 6, 2025

Newspaper: Ely Echo

Public Hearing: December 16, 2025

