



**PLANNING COMMISSION AGENDA**  
**MONDAY, APRIL 25, 2022**  
**CITY HALL at 7:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
  - [A.](#) Approval of Minutes - March 28, 2022
- 5. PUBLIC HEARING**
  - [A.](#) Public Hearing - Ordinance Amending Section 16.28 of the City Code Relating to Performance Standards
- 6. OTHER**
  - [A.](#) Review Draft Ordinance Amending Section 9.20.020 Relating to Public Nuisances (Noise)
- 7. ADJOURN**

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND  
DISCUSSION FROM THE FLOOR**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81<sup>st</sup> Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

## **CITY OF SPRING LAKE PARK RULES FOR PUBLIC HEARINGS**

Public hearings are formal proceedings giving citizens an opportunity to express their concerns on a specific issue. Some issues on which the Planning Commission is required to hold public hearings include subdivisions, zoning changes, conditional use permits, and ordinance amendments.

The following format will be used to conduct a public hearing:

1. Planning Commission Chair opens the hearing.
2. City staff describes the proposal.
3. The applicant has an opportunity to further explain the proposal and respond to questions/ comments on the proposal from the Planning Commissioners.
4. Citizens will then have the opportunity to ask questions and/or comment on the proposed project.
  - a. Those wishing to comment are asked to limit their comments to 3 minutes
  - b. A group of residents wishing to have their collective opinions voiced may elect a spokesperson to represent them. The spokesperson may have a maximum of 10 minutes to express the views of the group.
  - c. People wishing to comment are asked to keep their comments succinct and specific.
5. After everyone wishing to address the subject of the hearing has done so, the Planning Commission Chair will close the hearing.
6. Planning Commissioners will have an additional opportunity to comment and ask questions on the issue.
7. The Planning Commission will make a formal recommendation on the issue to the City Council or defer decision pending additional information.

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on March 28 2022, at the City Hall, at 7:00 PM.

### 1. CALL TO ORDER

Vice Chair Bernhagen called the meeting to order at 7:00 PM.

### 2. ROLL CALL

#### MEMBERS PRESENT

Commissioner Jeff Bernhagen

Commissioner Rick Cobbs

Commissioner Kelsey Hollihan

#### MEMBERS ABSENT

Chair Han Hansen

Commissioner Eric Julien

#### STAFF PRESENT

Building Official Baker, City Planner Phil Carlson, Administrator Buchholtz

#### OTHERS PRESENT

Councilmember Brad Delfs

Bob Jung & Sue McColley, 8162 Middletown Rd

Kathy Peacock, 8182 Middletown Rd

Ashley Morlock, 8178 Middletwon Rd

Rohhal Hamimoune, 8160 Middletown Rd

Mei Qal, 8200 Highway 65

### 3. PLEDGE OF ALLEGIANCE

### 4. APPROVAL OF MINUTES

#### A. Approval of Minutes – January 24, 2022

Motion made by Commissioner Cobbs, seconded by Commissioner Hollihan, to approve the minutes from the January 24, 2022 Planning Commission meeting.

Voting Yea: Commissioner Bernhagen, Commissioner Cobbs, Commissioner Hollihan. Motion carried.

## 5. PUBLIC HEARING

### A. Conditional Use Permit – Mister Car Wash – 8188/8200 Hwy 65 NE

Planner Phil Carlson provided an overview of the conditional use permit request from Mister Car Wash. He stated that the applicant is seeking to build a new car wash facility at 8200 Central Avenue NE, on the parcels now occupied by Taco Lindo Restaurant and Hope's Chinese Buffet. He said the property is guided as Commercial in the Comprehensive Plan and zoned C-1 Shopping Center. He noted that a car wash is a conditional use in the C-1 district. He said the applicant is also applying to plat the property.

Planner Carlson recommended that the Conditional Use Permit for the proposed Mr. Car Wash at 8200 Central Avenue NE be approved as submitted on plans from Kimley-Horn dated 3-3-2022 and architectural elevations from Mr. Car Wash, with following conditions:

1. Hours of operation will be 7:30 am to 7:00 pm.
2. If noise information from the applicants warrants additional sound mitigation, a solid fence or wall 6 feet in height will be installed on the west side of the site as illustrated in the Planner's report dated March 28, 2022, to block noise from the vacuum and parking area. The fence or wall will be of materials and colors compatible with the building, to be reviewed and approved by the City Administrator.
3. The entry drive on Middletown Road will be signed as entrance only and indicating that no stacking is allowed onto the public street. If the City becomes aware of problems with cars stacking in the street or other traffic problems on site, the City Council reserves the right to review and potentially revoke the Conditional Use Permit.
4. Building materials will not include painted concrete block or wood. All concrete block will be integrally colored.
5. All lighting will be downcast cutoff type fixtures that allow no more than 0.5 foot-candle of light spillage beyond the property lines or onto the public road rights-of-way. This includes the up/down sconces proposed on the east side of the car wash building, which will not include any up lighting.
6. Signage will be submitted for a sign permit before a building permit is issued.
7. The driveway at the north side of the site will include signage indicating exit only and right turn onto Highway 65.
8. All landscaping will be installed as indicated on the landscape plan and guaranteed for at least one year.
9. All requirements of the City Engineer will be followed for engineering and utility issues prior to issuing a building permit.

Planner Carlson presented the following finding of Facts for Approval of Conditional Use Permit:

1. The City has standards for review of conditional uses to review and regulate potential impacts to surrounding properties and public roadways.

2. The proposed car wash use may generate traffic that could impact area roadways. Limiting and regulating traffic on and around the site is a reasonable exercise of the City's authority.
3. The proposed car wash use may generate noise beyond an acceptable level given its location near existing residential uses. Requiring screening to block noise is a reasonable exercise of the City's authority.
4. The use as conditioned with this approval meets the criteria for approving a Conditional Use Permit in Section 16.56.030(E)(1) of the City Code.

Commissioner Cobbs inquired of the applicants if a noise impact study had been performed. The applicant stated that the noise is minimal since the vacuums are enclosed and they have a built-in muffler. He stated that the tunnel is set back about 20 feet and has air gates and speed down doors.

Commissioner Bernhagen asked about the management of trash. The applicant said that staff is onsite to clean up trash and to help control the car volume.

Commissioner Hollihan inquired about the landscaping plan and who will be maintaining the landscaping on the property. The applicants said that they are willing to work with the City to limit or eliminate the headlight glare into homes by providing larger trees.

Commissioner Bernhagen opened the public hearing at 7:38 pm.

Bob Jung, 8162 Middletown Road NE, said that the noise was of concern along with the fact that there are already a number of car washes in the area. He also stated that the car wash entrance on Middletown Road was not the proper place for cars to enter. He noted that he is concerned that the cars will stack on the road. Sue McColley, 8162 Middletown Road NE, inquired if Middletown Road was going to be widened to accommodate the increase traffic.

Ashley Morlock, 8178 Middletown Road NE, stated that there are many children in the neighborhood and she worries about the amount of traffic on the street. She expressed concern with the increasing number of cars that would be driving by going to the car wash. She noted there are no sidewalks and there are many children riding their bikes along Middletown Road, and a large number of High School students who walk to and from school. Ms. Morlock expressed concern about the noise level from the vacuums.

Rohhal Hamimoune, 8160 Middletown Road N, was concerned about the noise and the safety of the kids getting off the buses in the afternoon. He stated he was also concerned about the property values.

Hearing no additional public comments, Commissioner Bernhagen closed the public hearing at 7:48 pm.

Planner Carlson suggested a continuance until the next meeting to get some answers from the applicant on the traffic, noise and building materials being proposed. Administrator Buchholtz

agreed, recommending a motion to table the conditional use permit until all information requested by the Commission is submitted.

Motion made by Commissioner Cobbs, seconded by Commissioner Hollihan to table the conditional use permit to Mister Car Wash at 8188/8200 Central Avenue NE.

Voting Yea: Commissioner Bernhagen, Commissioner Cobbs, Commissioner Hollihan. Motion carried.

B. Preliminary Plat – Middletown 65 Addition (Mister Car Wash)

Planner Carlson recommend that the Planning Commission recommend approval of the preliminary plat with the following conditions:

1. Include a 5-wide drainage and utility easement along the south and east sides of the plat.
2. Include a 15-foot wide drainage and utility easement along the west and north sides of the plat.
3. Provide a separate, 10-foot wide road and sidewalk easement document covering the west and north sides of the plat. Record this road and sidewalk easement when the plat is recorded.

Planner Carlson presented the following finding of Fact for Approval of Preliminary Plat:

1. The City has reasonable expectations for provision of streets, sidewalks, utilities, and other public functions. Requiring property to dedicate easements for such features is reasonable.

Commissioner Bernhagen opened the public hearing at 7:48 pm. Hearing no input, Commissioner Bernhagen closed the public hearing at 7:49 pm.

Motion made by Commissioner Hollihan, seconded by Commissioner Cobbs to table the preliminary plat application, Middletown 65 Addition (Mister Car Wash).

Voting Yea: Commissioner Bernhagen, Commissioner Cobbs, Commissioner Hollihan. Motion carried.

## 6. OTHER

Administrator Buchholtz welcomed Kelsey Hollihan to the Planning Commission. He informed the Commission that Commissioner Eischens resigned from the Commission.

**7. ADJOURN**

Motion made by Commissioner Cobbs, seconded by Commissioner Hollihan to adjourn.

Voting Yea: Commissioner Bernhagen, Commissioner Cobbs, Commissioner Hollihan. Motion carried.

Meeting adjourned at 7:53 pm.



# Memorandum

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**To:** Chair Hansen and Members of the Planning Commission

**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

**Date:** April 21, 2022

**Subject:** Performance Standards Update

At its April 18 meeting, the City Council approved an interim ordinance (Ordinance 479) establishing a moratorium on the approval of building permits that require site plan review under Section 16.20.060 of the City Code. The City Council became concerned that its current list of prohibited exterior materials was insufficient to prevent development not meeting the City Council's vision and was significantly behind standards set forth in the communities adjacent to or in close proximity with the City of Spring Lake Park.

Staff has been working on an amendment to Section 16.28 of the Zoning Code relating to performance standards. The proposed ordinance amendment updates the existing performance standards to meet current development standards.

Some of the performance standards (Noise, Vibration, Fumes and Gasses, etc) referenced reports and studies from the 1940s and 1950s to establish standards. Those have been updated to reference current MPCA or MDH regulations or current State rules.

Exterior lighting standards have been strengthened to require mitigation to limit glare and spill light onto neighboring properties. While this has been a standard requirement in our review, the ordinance specifically outlines those mitigation measures.

Language creating performance standards for toxic and noxious matter, radiation, heat and humidity, electromagnetic interference, and liquor or solid waste have been added to the list of performance standards development must meet.

Significant changes have been proposed to the visual performance standards. Currently, the code only prohibits sheet metal, unfinished structural clay tile, common concrete masonry units, concrete brick or similar materials, unless used with other materials for good architectural design and appeal. The City Council requested these standards be enhanced to ensure consistent development to the goals outlined under the City's site plan review process, which states in part that "it is the policy of the city to encourage excellence in site and building design of commercial and industrial development in zoning districts C-1, C-2, C-3 and I-1."



After review of neighboring city codes, staff discovered that the vast majority required a significant upgrade in building materials over our current standards. The proposed ordinance limits non-residential exterior building finishes to be materials of comparable quality to:

1. Face brick
2. Natural or cementitious stone
3. Decorative concrete block or integral colored block
4. Architectural glass
5. Stucco, including EFIS
6. Fiber cement siding
7. Precast concrete
8. Curtain wall panels of steel, fiberglass and aluminum so long as they are factory fabricated and do not exceed 20% of any wall surface (minus overhead doors).
9. Other materials deemed appropriate and subject to approval by the Zoning Administrator.

The proposed ordinance also suggests that building elevations and facades include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character.

Each of the commercial redevelopment projects either constructed or currently under consideration meet the proposed new standards.

The City Council is concerned about the construction of all-metal buildings, which would be permitted under current regulations.

Staff is seeking feedback on the proposed ordinance from the Planning Commission and the public before finalizing an ordinance amendment for potential adoption by the City Council.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK  
ORDINANCE 480**

**AN ORDINANCE AMENDING SECTION 16.28.010 REGARDING PERFORMANCE  
STANDARDS**

**NOW THEREFORE**, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

**SECTION 1:**            **AMENDMENT** “16.28.010 Performance Standards” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

16.28.010 Performance Standards

A. *Intent.* It is the intent of this section to establish performance standards to minimize conflict between land uses, to preserve the use and enjoyment of property, and to protect the public health, safety and welfare. These standards shall apply to all uses of land and structures and are in addition to any requirements applying to specific zoning districts.~~provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.~~

B. *Standards.*

1. *Noise.* Minn. Rules § 7030, as may be amended from time to time, is hereby adopted by reference as a minimum standard for noise. In addition, any use established must be so operated that no noise resulting from the use is noticeable above typically expected levels to a reasonable person beyond the boundaries of the lot line of the site on which the use is located. This standard shall not apply to incidental traffic, parking, loading, construction or normal maintenance operations. The city may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhood.

~~a. At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm<sup>2</sup>) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American~~

~~Standard Specification for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, sereech, and the like) or shrillness.~~

- ~~b. For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.~~
2. Odor. No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. ~~Standards concerning odors referred to in Paragraph B,8 shall be adhered to.~~ No use shall produce unreasonable or disturbing odors exceeding applicable regulations established by the Minnesota Pollution Control Agency.
3. *Exterior lighting.* ~~All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property.~~
- a. Exterior lighting shall be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel. Reflected glare or spill light shall not exceed five-tenths foot-candles as measured on the property line when abutting any residential parcel and one foot-candle on any abutting commercial or industrial parcel. Street lights installed in the public right-of-way shall be excepted from these standards.
- b. Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and types of fixtures. The city may also limit the hours of operation of outdoor lighting if it is necessary to reduce impacts on the surrounding neighborhood.
- c. No flickering or flashing lights shall be permitted.
- d. Direct, off-site views of the light source shall not be permitted except for globe and/or ornamental light fixtures approved in conjunction

with a site and building plan. Globe and ornamental fixtures shall only be approved when the applicant can demonstrate that off-site impacts stemming from direct views of the bulb are mitigated by fixture design and/or location.

e. The city may require submission of a light distribution plan if deemed necessary to ensure compliance with the intent of this chapter.

4. *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.
5. *Vibration.* ~~Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.~~ No use shall at any time cause earth vibrations perceptible beyond the limits of the property on which the operation is located.
6. *Smoke and particulate matter.* No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency. ~~As regulated by the State Pollution Control Agency.~~
7. *Dust.* ~~As regulated by the State Pollution Control Agency.~~
8. *Toxic or noxious matter.* No use or operation shall emit a concentration of toxic, noxious or corrosive matter across the property line which exceeds applicable regulations established by the Minnesota Pollution Control Agency. ~~*Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards -- Maximum Allowable Concentration for eight hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Ch. 5, Physiological Effects, that contains these tables, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.~~
9. *Radiation.* No operation shall be conducted which exceeds the standards established by applicable regulations of the Minnesota Department of Health.
10. *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards. All materials regulated in this section shall be utilized, stored, manufactured and handled in accordance with the

Minnesota State Fire Code, as may be amended from time to time.

11. Heat and humidity. No use shall produce any unreasonable, disturbing or unnecessary emissions of heat or humidity beyond the property line which cause material distress, discomfort or injury to persons or ordinary sensitivity.
12. Electromagnetic interference. No use shall produce electromagnetic interference with normal radio or television reception in any residential district, or exceed applicable standards established by any applicable federal or state regulations.
13. Liquid or solid waste. All uses shall be subject to applicable regulations or the city governing discharge into a public storm or sanitary sewer, waterway or stream.
14. Visual.
  - a. It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this title.
  - b. All buildings must be built in conformance with the Minnesota State Building Code. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. ~~On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal.~~ The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.
  - c. Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinctive character. For non-residential districts, exterior building finishes shall consist of materials comparable in grade and quality to the following:
    - (1) Face brick
    - (2) Natural or cementitious stone
    - (3) Decorative concrete block or integral colored block
    - (4) Architectural glass
    - (5) Stucco (natural or artificial), including exterior insulated finishing systems (EFIS)
    - (6) Fiber cement siding
    - (7) Precast concrete
    - (8) Curtain wall panels of steel, fiberglass and aluminum (non-

structural, non-load bearing), provided such panels are factory fabricated and finished with a durable non-fade surface and their fasteners are of a corrosion resistant design. Up to 20% of any wall surface may consist of the materials outlined herein (excludes overhead doors)

(9) Other materials deemed appropriate and subject to approval by the Zoning Administrator.

d. Prohibited materials. Prohibited materials include face materials that rapidly deteriorate or become unsightly such as unfinished/non-pigmented structural concrete block, galvanized metal, unglazed structural clay tile or common or back-up quality brick.

e. The building design should exhibit architectural uniqueness in building lines, shades and angles to maximize architectural uniqueness.

C. *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making any tests and investigations it finds appropriate, to determine compliance with these performance standards.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Nelson, Mayor, Spring Lake  
Park

\_\_\_\_\_  
Daniel R. Buchholtz, Administrator,  
Clerk/Treasurer Spring Lake Park

**CHAPTER 7030**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**NOISE POLLUTION CONTROL**

**GENERALLY**

- 7030.0010 INCORPORATION BY REFERENCE.
- 7030.0020 DEFINITIONS.
- 7030.0030 NOISE CONTROL REQUIREMENT.
- 7030.0040 NOISE STANDARDS.
- 7030.0050 NOISE AREA CLASSIFICATION.
- 7030.0060 MEASUREMENT METHODOLOGY.
- 7030.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.
- 7030.0080 VARIANCE.

**MOTOR VEHICLE NOISE LIMITS**

- 7030.1000 DEFINITION.
- 7030.1010 PROHIBITIONS.
- 7030.1020 SCOPE.
- 7030.1030 EXCEPTIONS.
- 7030.1040 NOISE LIMIT FOR VEHICLES OVER 10,000 POUNDS.
- 7030.1050 MOTOR VEHICLE NOISE LIMITS FOR MOTORCYCLES.
- 7030.1060 NOISE LIMITS FOR OTHER VEHICLES.

**GENERALLY**

**7030.0010 INCORPORATION BY REFERENCE.**

For the purpose of chapter 7030, American National Standards Institute, Specification for Sound Level Meters, S1.4-1983 is incorporated by reference. This publication is available from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155. This document is not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-1R (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155. This document is not subject to frequent change.



**Statutory Authority:** *MS s 115.03; 116.07*

**History:** *11 SR 43; 18 SR 614; 41 SR 763*

**Published Electronically:** *January 27, 2017*

#### **7030.0020 DEFINITIONS.**

Subpart 1. **Application.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **A-weighted.** "A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.

Subp. 3. **Daytime.** "Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. **dB(A).** "dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. **Decibel.** "Decibel" means a unit of sound pressure level, abbreviated as dB.

Subp. 6. **Impulsive noise.** "Impulsive noise" means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Subp. 7. **L<sub>10</sub>.** "L<sub>10</sub>" means the sound level, expressed in dB(A), which is exceeded ten percent of the time for a one hour survey, as measured by test procedures approved by the commissioner.

Subp. 8. **L<sub>50</sub>.** "L<sub>50</sub>" means the sound level, expressed in dB(A), which is exceeded 50 percent of the time for a one hour survey, as measured by test procedures approved by the commissioner.

Subp. 9. **Municipality.** "Municipality" means a county; a city; a town; a regional planning and development commission established under Minnesota Statutes, chapter 473; the metropolitan council; or other governmental subdivision of the state responsible by law for controlling or restricting land use within its jurisdiction.

Subp. 10. **Nighttime.** "Nighttime" means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 11. **Person.** "Person" means any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing, but does not include the agency.

Subp. 12. **Sound pressure level.** "Sound pressure level", in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure. The reference pressure shall be 20 micronewtons per square meter.

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 43; L 1987 c 186 s 15; 18 SR 614*

**Published Electronically:** *December 12, 2003*

#### **7030.0030 NOISE CONTROL REQUIREMENT.**

No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take

all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 43; 18 SR 614*

**Published Electronically:** *December 12, 2003*

#### **7030.0040 NOISE STANDARDS.**

Subpart 1. **Scope.** These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7030.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources.

Subp. 2. **Noise standards.**

Noise Area Classification	Daytime		Nighttime	
	L <sub>50</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>10</sub>
1	60	65	50	55
2	65	70	65	70
3	75	80	75	80

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 43; 18 SR 614*

**Published Electronically:** *December 12, 2003*

#### **7030.0050 NOISE AREA CLASSIFICATION.**

Subpart 1. **Applicability.** The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

Subp. 2. **Noise area classifications.** The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Household Units (includes farm houses)

- Hotels, motels, or other overnight lodging
- Mobile home parks or courts
- Other residential units
- Motion picture production
- Medical and other health services
- Correctional institutions
- Educational services
- Religious activities
- Cultural activities and nature exhibitions
- Entertainment assembly
- Camping and picnicking areas (designated)
- Resorts and group camps
- Other cultural, entertainment, and recreational activities.
- 2 Railroad terminals (passenger and freight)
- Rapid rail transit and street railway passenger terminals
- Bus passenger terminals (intercity and local)
- Other motor vehicle transportation
- Airport and flying field terminals (passenger and freight)
- Marine terminals (passenger and freight)
- Automobile parking
- Transportation services and arrangements
- Wholesale trade
- Retail trade, including restaurants and bars
- Finance, insurance, and real estate services
- Personal services
- Business, legal, or other professional services
- Repair services
- Contract construction services
- Governmental services (except correctional institutions)
- Miscellaneous services (except religious activities)
- Public assembly (except entertainment assembly and race tracks)
- Amusements (except fairgrounds and amusement parks)
- Recreational activities (except designated camping and picnicking areas)
- Parks

- 3 Manufacturing
  - Transportation (except passenger terminals)
  - Highway and street right-of-way
  - Communication
  - Utilities
  - Race tracks
  - Fairgrounds and amusement parks
  - Agricultural and related activities
  - Forestry activities and related services (including commercial forest land, timber production, and other related activities)
  - Fishing activities and related services
  - Mining activities and related services
  - Other resource production and extraction
  - All other activities not otherwise listed.
- 4 Undeveloped and unused land area
  - Noncommercial forest development
  - Water areas
  - Vacant floor area
  - Under construction

Subp. 3. **Exceptions.** The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.

B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations that are intended for outdoor activities.

C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:

(1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 40 dB(A);

(2) the building has year-round climate control; and

(3) the building has no areas or accommodations that are intended for outdoor activities.

D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:

- (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
- (2) the building has year-round climate control; and
- (3) the building has no areas or accommodations that are intended for outdoor activities.

**Statutory Authority:** *MS s 115.03; 116.07*

**History:** *11 SR 43; 18 SR 614; 41 SR 763*

**Published Electronically:** *January 27, 2017*

### 7030.0060 MEASUREMENT METHODOLOGY.

Subpart 1. **Measurement location.** Measurement of sound must be made at or within the applicable NAC at the point of human activity which is nearest to the noise source. All measurements shall be made outdoors.

Subp. 2. **Equipment specifications.** All sound level measuring devices must meet Type O, I, II, or S specifications under American National Standards Institute S1.4-1983.

Subp. 3. **Calibration.** All sound level measuring devices must, at a minimum, be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. **Measurement procedures.** The following procedures must be used to obtain representative sound level measurements:

A. Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures which would prevent an accurate measurement.

B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4-1983.

C. Measurements must not be made in sustained winds or in precipitation which results in a difference of less than ten decibels between the background noise level and the noise source being measured.

D. Measurements must be made using a microphone which is protected from ambient conditions which would prevent an accurate measurement.

Subp. 5. **Data documentation.** A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

- A. date;
- B. time;
- C. location;
- D. noise source;
- E. wind speed and direction;
- F. temperature;

- G. humidity;
- H. make, model, and serial number of measuring equipment;
- I. field calibration results;
- J. monitored levels; and
- K. site sketch indicating noise source, measurement location, directions, distances, and obstructions.

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 43; 17 SR 1279; 18 SR 614*

**Published Electronically:** *December 12, 2003*

#### **7030.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.**

Subpart 1. **Purpose.** Sound level measurements made for assessing sound attenuation as specified in part 7030.0050, subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. **Equipment.** The equipment shall meet the requirements specified in part 7030.0060, subpart 2.

Subp. 3. **Calibration.** The equipment must meet the calibration requirements specified in part 7030.0060, subpart 3.

Subp. 4. **Measurement procedure.** The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. **Equivalent methods.** Methods equivalent to those described in subpart 4 may be used provided they are approved by the commissioner of the Minnesota Pollution Control Agency. The commissioner shall approve an alternative method if the commissioner finds that the method will produce representative data and results which are as reliable as the methods specified in subpart 4.

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 43; L 1987 c 186 s 15; 18 SR 614*

**Published Electronically:** *December 12, 2003*

#### **7030.0080 VARIANCE.**

If, upon written application of the responsible person, the agency finds that by reason of exceptional circumstances strict conformity with any provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance upon the conditions and within the time limitations as it may prescribe for the prevention, control, or abatement of noise pollution in harmony with the intent of the state and any applicable federal laws.

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 43; 18 SR 614*

**Published Electronically:** *December 12, 2003*

**MOTOR VEHICLE NOISE LIMITS****7030.1000 DEFINITION.**

"Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails, except snowmobiles.

**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 614*

**Published Electronically:** *December 12, 2003*

**7030.1010 PROHIBITIONS.**

Subpart 1. **Operation of vehicle.** No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 at any time or under any condition of grade, load, acceleration, or deceleration in such a manner as to exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner.

Subp. 2. **Sale of vehicle.** No person shall sell or offer for sale a new motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 which when maintained according to the manufacturer's specifications would exceed the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner.

Subp. 3. **Modification of vehicle.** No person shall modify a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 in a manner which will amplify or increase the noise emitted by the vehicle, above the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner. No person shall operate a motor vehicle so modified.

Subp. 4. **Sale of parts.** No person shall sell or offer for sale replacement or additional parts for a motor vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 which when installed in the vehicle will amplify or increase the noise emitted by the vehicle, above the noise limits contained herein for the category of motor vehicle and speed limits specified, when tested with a measurement procedure approved by the commissioner. No person shall operate a motor vehicle incorporating such parts.

**Statutory Authority:** *MS s 116.07*

**History:** *L 1987 c 186 s 15; 18 SR 614*

**Published Electronically:** *December 12, 2003*

**7030.1020 SCOPE.**

This chapter applies to the total noise from a vehicle or combination of vehicles of a type subject to registration pursuant to Minnesota Statutes, chapter 168 and shall not be construed as limiting or precluding the enforcement of any other provision of law relating to motor vehicle exhaust noise.

**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 614*

**Published Electronically:** *December 12, 2003*

**7030.1030 EXCEPTIONS.**

Vehicles under parts 7030.1050 and 7030.1060 are allowed to exceed the noise limits contained herein when performing acceleration maneuvers for safety purposes.

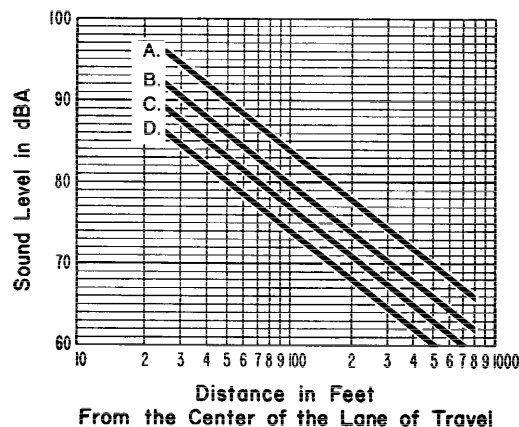
**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 614*

**Published Electronically:** *December 12, 2003*

**7030.1040 NOISE LIMIT FOR VEHICLES OVER 10,000 POUNDS.**

Motor vehicle noise limits for vehicles with a manufacturer's gross vehicle weight rating of more than 10,000 pounds and any combination of vehicles towed by such motor vehicle.



- A. Speed limits greater than 35 mph.
- B. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines). For stationary run-up tests on all-paved surfaces, add 2 dBA.
- C. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after January 1, 1978. For stationary run-up tests on all-paved surfaces, add 2 dBA.
- D. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after January 1, 1982. For stationary run-up tests on all-paved surfaces, add 2 dBA.

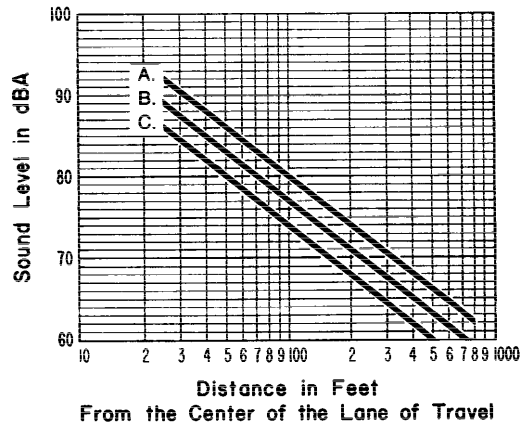


**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 614*

**Published Electronically:** *December 12, 2003*

**7030.1050 MOTOR VEHICLE NOISE LIMITS FOR MOTORCYCLES.**



- A. For vehicles manufactured before January 1, 1975.
- B. Speed limits greater than 35 mph for vehicles manufactured on or after January 1, 1975.
- C. Speed limits equal to or less than 35 mph for vehicles manufactured on or after January 1, 1975.

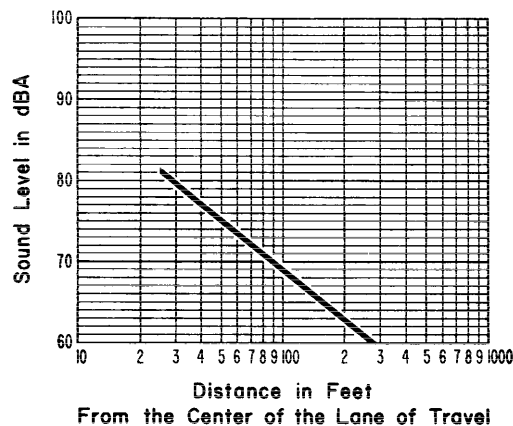
**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 614*

**Published Electronically:** *December 12, 2003*

**7030.1060 NOISE LIMITS FOR OTHER VEHICLES.**

Motor vehicle noise limits for any other motor vehicle not included under parts 7030.1040 and 7030.1050 and any combination of vehicles towed by such motor vehicle.



**Statutory Authority:** *MS s 116.07*

**History:** *18 SR 614*

**Published Electronically:** *December 12, 2003*

## Commercial/Industrial Zoning District Exterior Building Requirements

### Spring Lake Park

All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein. (Section 16.28.010)

### Fridley

Exterior Materials. The type of building materials used on exterior walls shall be face brick, natural stone, specifically designed pre-cast concrete, factory fabricated and finished metal frame paneling, glass or other materials approved by the City.

### Blaine

31.091 - Architectural control.

(a) All buildings erected shall be a type of construction as defined in the Minnesota Building Code. (Ord. No. 00-1835, amended 3-16-2000; Ord. No. 00-1876, amended 10-19-2000)

(b) Any building shall be constructed so that all exterior sides shall be surfaced equivalent to the front building elevation as determined by the Zoning Administrator.

(c) Exterior wall surfaces of all buildings shall be primarily faced with brick, stone, precast panel, cast-in-place panel, architectural concrete with other permitted materials, or glass.

Use of modern metal paneling materials or its equivalent shall be considered for exterior wall surfaces provided such materials are used in conjunction with other materials listed above. Use of modern metal paneling materials or its equivalent shall not exceed thirty-five percent (35%) of any individual wall surface.

(d) The building design should exhibit architectural control which seeks to be creative and maximize building lines, shades, and angles to maximize architectural uniqueness.

(e) All building design and exterior wall surface materials shall be reviewed and approved by the Zoning Administrator.

(f) All buildings shall contain a concrete floor. (Ord. No. 00-1876, amended 10-19-2000)

## Mounds View

### § 160.284 STANDARDS.

For development of properties within the County Road 10 Overlay District, the following standards will be applied where these standards supersede requirements set forth in the B-1 (Neighborhood Business), B-2 (Limited Business), B-3 (Highway Business), B-4 (Regional Business), PUD (Planned Unit Development), R-3 (Medium Density Residential) and R-4 (High Density Residential) zoning districts. All other standards and requirements of the above-mentioned zoning districts shall continue to apply.

#### (A) Construction materials.

(1) At least 50% of all exterior wall finishes on any building will be comprised of a combination of at least two of the following materials:

- (a) Brick;
- (b) Natural stone or cultured stone;
- (c) Glass;
- (d) Masonry stucco; and
- (e) Other comparable or superior material as approved by the city.

(2) The remaining 50% of all exterior wall finishes must be comprised of any combination of decorative or rock face concrete block, concrete panels, metal or wood. All building materials subject to approval of the city.

(3) Buildings may be constructed of primarily one of the materials listed in division (A)(1) above, if the design exceeds the intent of the ordinance and is approved by the city.

(4) Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings and wood sided buildings unless such metal buildings and wood sided buildings are enhanced on all elevations by the application of brick, decorative masonry or decorative stucco surfaces in combination with decorative fascia overhangs and trim.

## Coon Rapids

-801.2 Development Guidelines. Developments must satisfy the following guidelines. Determination of whether these guidelines are satisfied will be made by the Planning Commission or by the City Council after receiving a recommendation from the Planning Commission.

(1) The design of buildings must have a comparable, compatible and complementary relationship to surrounding land uses. Buildings must be designed with varied exterior materials, setbacks and architectural features and details.

(2) Vary building massing, using methods including staggering building components, adding columns, recessing doorways, creating interesting shapes and short, uneven facades.

(3) Articulate building facades using techniques such as staggering, arcades, awnings, special window treatments, ornamentation and unique details. Face primary entries to public or private streets and orient doors for loading and unloading goods away from public or private streets.

(4) Provide a variety of roof shapes using techniques including pitched, gable or hip roofs or detailed parapets and cornices creating interesting roof profiles for flat roofs.

(5) Every building must include a focal element or feature adding interest or distinction, using techniques such as elevating parts of buildings, towers, or emphasizing a prominent part of the building such as a corner or main entry or by using features such as canopies, porticoes, overhangs, arcades, facade recesses and projections and peaked roofs or raised parapets above doors or windows.

(6) High quality, exterior building materials must be used. All exterior wall surfaces must include a variation in building materials and color, which are to be distributed throughout the building facades and coordinated into the architectural design of the structure. Acceptable exterior building materials include the following:

(a) Brick or similar custom masonry unit having brick like appearance.

(b) Natural or cementitious stone.

(c) Architectural glass (i.e., curtain wall).

(d) Architectural, single skin roll formed profiles metal panel, minimum 22 gauge.

(e) Masonry stucco, or EFIS in conformance with ICC ES report.

(f) Integrally colored split face (rock face), burnished or glazed concrete masonry units.

(g) Integrally colored architecturally precast concrete panels having an exposed aggregate, light sandblast, acid etch, form liner, natural stone veneer, brick face and/or cast stone type finish (excluding single-T or double-T panels, plain, uncolored, or raked finish).

The Council may approve an alternative material or mix of materials provided the applicant demonstrates that the modification results in a better integration of the building with the surrounding area and will further the intent of this Section. Front facades and side and rear facades visible from a public right-of-way, parks and adjacent residential uses must be composed of not more than 65 percent of any one acceptable material. Brick with a distinctively different color may be considered a second material. Side and rear facades not visible from a public right-of-way, parks and adjacent residential uses may use any combination of acceptable material. Other materials may be used as accents if found they are compatible with the listed materials and provided it does not cover more than 15 percent of a building face.

(7) Where approved, the motor vehicle fuel pump canopy roof must have the same shape, materials, and color as the roof of the principal building. Canopy supports shall be enclosed in decorative masonry or metal columns.

## Columbia Heights

### (N) Building design standards.

(1) Purpose. The purpose of this section is to promote quality development throughout the community that is attractive and visually compatible with adjacent development.

(2) Design review required. Approval of building elevations is required for all new commercial, industrial, institutional and multi-family development. Building design approval is also required for any remodeling or expansion activity that increases the overall size of the building by 10% or more.

(3) Building materials and design. The following material and design standards shall be adhered to:

(a) Building materials for all projects shall be durable, require low maintenance and be of the same or better quality than that used on surrounding properties; and shall consist of any of the following materials: Brick; natural stone; stone treated concrete panels; glass curtain wall panels; wood, provided surfaces are finished for exterior use and only woods of proven exterior durability are used such as cedar, redwood, and cypress; factory fabricated and finished metal frame paneling; or other materials of high architectural quality as approved by staff.

(b) Building elevations and facades should include a variety of architectural features and building materials to provide visual interest and give each project a distinct character. Building facades shall contain windows at the ground level or first floor in order to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility. Special care should be given to building elevations that face a public right-of-way or a residential area. Doors, window frames, screening walls, and other architectural features should be finished to complement the color and material of the principal building. At least 20% of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors for residential uses. At least 20% of the first floor facade that faces a public street, sidewalk or parking lot shall be windows or doors of clear or lightly tinted glass that allows views into and out of the building at eye level for non-residential uses. Windows shall be distributed in a more or less even manner. Minimum window area shall be measured between the height of two feet and ten feet above the finished level of the first floor.

(c) All additions, exterior alterations or accessory buildings constructed after the original buildings shall be of the same material and design as the original structure. However, this provision shall not prohibit the upgrading of the quality of materials used in a remodeling or expansion activity, provided said upgraded material complements the original.

(d) All structures over 120 square feet shall have full perimeter footings.

(e) Steel frame structures with metal siding and roof are allowed in commercial and industrial districts provided 50% or more of the front of the structure is masonry type veneer and windows, and the side walls shall be at least four feet from grade with the same type of masonry veneer.

(4) Application of master plan district provisions. Properties located within the district boundaries of master plan area shall also be subject to the district provisions of the master plan.

(5) Design guidelines. The City Council may adopt by resolution design guidelines that shall apply to designated areas or districts of the city with greater specificity than the standards in this section. Where there is a conflict between the design guidelines and the standards in this section, the guidelines shall apply.

## Arden Hills

D. Buildings shall be constructed of materials that are enduring, timeless, and well-detailed. Other new materials of equal or better quality to those listed may be approved by the Community Development Department. (revised 11/25/13)

1. At least seventy-five percent (75%) of the exterior building materials shall be of brick masonry, tile masonry, natural stone (or synthetic equivalent), decorative concrete plank, transparent glass or any combination thereof. (revised 11/25/13)

2. Trim and other accent or decorative features may be metal, wood, split faced block, EIFS, or stucco. Metals shall have a matte finish and have visible corner moldings and trim when used on exterior walls. EIFS shall be located at least twelve (12) feet above the ground line. (revised 11/25/13)

3. Undesirable materials shall include simulated brick, vinyl or aluminum siding, sheet or corrugated metal siding, plain concrete blocks or panels, brightly colored metal roofing or canopies, pre-cast tilt-up walls, mirrored or reflective glass, and materials that represent corporate colors or logos not in conformance with approved building materials. (revised 11/25/13)

E. Building Design. The arrangement, massing, materials and colors shall work to create a high quality development that is responsive to existing buildings, site features, and site design on adjoining sites in the district. (revised 11/25/13)

1. At least fifty percent (50%) of the largest building on each site shall be constructed at the front setback line.

2. Façade treatment shall be carried around all sides. Architectural elements such as, but not limited to, windows, shutters, awnings, doors, masonry exterior veneers, cornice detailing, window casings, and other architectural details should demonstrate consistency on all sides of the structure that are reasonably visible to the general public. Plain flat walls shall not be permitted when viewable from the public right-of-way or public areas.

3. To avoid long unbroken expanses and to increase visual interest from the street, buildings of more than 40 feet in width shall be divided into smaller increments (between 20 and 40 feet) through articulation of the facades to convey the impression of individually-constructed small storefronts or, in the case of housing, housing units. This can be achieved through the combination of the following techniques:

- a) The use of windows and doors;
- b) Façade modulation-stepping backward or forward or extending a portion of the façade;
- c) Vertical divisions into storefronts with separate display windows and entrances;
- d) Recesses and projections such as porches, dormers and bays that create shadows and add visual interest;
- e) Variation in the rooflines by using multiple roof and ridge lines perpendicular to one another, offsetting single roof lines, stepped roofs;
- f) Providing a lighting fixture, trellis, tree, or other landscape feature with each interval.

4. Awnings or overhangs shall be provided at the primary entryway and at all entrances fronting a public street to provide protection for pedestrians. Awnings shall be opaque so as not to create a

glowing effect with lights under the awnings. Awnings shall be constructed of durable and protective material, and shall be properly maintained. Plastic or fiberglass awnings shall not be permitted. (revised 11/25/13)

5. Any multi-level building shall distinguish the ground floor level from the upper floors by use of any or a combination of these techniques: an intermediate cornice line, difference in building materials or details, awnings trellis or arcade, special window details, or brick corbels or quoins. A strong base and top for multi-story buildings shall be established; middle layers shall be simpler. Detail shall be an integral part of the architecture rather than a series of applied elements.

6. Standardized corporate or franchise architecture identified with a particular chain shall be discouraged unless it is compatible with surrounding architecture and conforms to these design standards. (revised 11/25/13)

7. Entrances shall have convenient access to the street frontage and to parking serving the use. For those properties along County Road E, access to the street frontage shall be given priority where feasible.

#### F. Window and Door Openings (revised 10/25/21)

##### 1. Commercial Façade Transparency.

a) Fifty percent (50%) of all first level building façades that front a public street shall be comprised of transparent windows or doors in order to allow views of interior uses and activities.

b) If the building is a one story design and the first floor elevation exceeds twelve (12) feet, then only the first twelve (12) feet shall be included in calculating the façade area. (revised 11/30/15)

c) The City may consider a proportional reduction in the transparent window and door requirement on the public street façade if additional transparent glass is used on the remaining sides. (revised 11/30/15)

2. Residential Façade Transparency. Twenty percent (20%) of all residential building façades that front a public street shall be comprised of transparent windows or doors in order to allow views of interior uses and activities. Transparency requirement may be waived by the City where privacy concerns warrant. (revised 11/30/15)

3. Configurations. The shape, size, and placement of windows and doors shall emphasize the intended organization and articulation of the façade. Windows and doors shall be recessed at least one inch rather than being flush with the building façade. (revised 11/25/13)

4. Materials. Acceptable materials for window trim include anodized aluminum, steel, wood, and clad wood. Door trim shall be made of steel, wood, or clad wood. (revised 11/25/13)

5. For buildings with a use or function that does not readily allow windows (e.g. cooler or freezer areas, mechanical rooms, security areas, storage areas) the transparent window standards may be reduced at the discretion of the City Council. However, aesthetic interest must be provided by the use of upper level windows or architectural detailing that provides arches, patterning, recesses, and shadowing. Architectural detailing may include such things as change in materials, change in color and other significant visual relief provided in a manner or at intervals in keeping with the size, mass, and scale of the wall. (revised 11/25/13)



G. Building Color. Building colors shall be muted. Recommended colors include browns, grays, tans, beiges, and dark or muted green, blues, and reds. Bright or brilliant colors and sharply contrasting colors may be used for only accent purposes occupying a maximum of five percent (5%) of building façades. (revised 11/25/13)

### Brooklyn Park

(B) Building design and materials.

(1) All buildings shall be designed to accomplish the goals and policies of the Comprehensive Plan and the Village Master Plan. Building materials shall be attractive in appearance, durable with a permanent finish, and of a quality that is consistent with the standards and intent of the Master Plan. Where appropriate, buildings shall carry over materials and colors of adjacent buildings, with the exception of prohibited materials.

(2) All building designs shall be subject to the review of an architect to assure compatibility with the intent of the city regulations. The architect shall be selected by the city, with the cost of review charged to the planning escrow submitted by the applicant.

(3) All buildings shall include the following elements:

(a) Accent materials shall be provided and included on all sides of a building and all sides shall be treated the same.

(b) Buildings containing office and retail uses shall maintain 50% transparency from grade to a height of 12 feet on each first floor front that faces a street or public open space (sidewalk or plaza).

(c) Complimentary major material colors.

(d) A combination of vertical and horizontal pattern designs in the building facade.

(C) Any exterior building wall adjacent to or visible from a public street, public open space or abutting property may not exceed 50 feet in length without significant visual relief consisting of one or more of the following:

(1) The facade shall be divided architecturally by means of significantly different materials or textures; or

(2) Horizontal offsets of at least four feet in depth; or

(3) Vertical offsets in the roofline of at least four feet, or fenestration at the first floor level that is recessed horizontally at least one foot into the facade.

(D) Exterior commercial building materials shall be classified as primary, secondary, or accent materials. Primary materials shall cover at least 60% of the facade of a building. Secondary materials may cover no more than 30% of the facade. Accent materials may include door and window frames, lintels, cornices, and other minor elements and may cover no more than 10% of the facade. Allowable materials are as follows:

(1) Primary exterior building materials may be natural or cementitious brick or stone, glass or equivalent if approved by the city's architect.

(2) Secondary exterior building materials may be integrally colored decorative block, integrally colored stucco or equivalent if approved by the city's architect.

(3) A water managed Exterior Insulation Finish System (EIFS) may be permitted as a secondary material on upper floors only.

(4) Accent materials may include wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.

(5) All materials shall be integrally colored.

(6) Sheet metal, corrugated metal, plain flat concrete block (whether painted or integrally colored) are prohibited materials unless they are approved on a specific design as accent materials.

(7) Lighting may be used to accent the building and site and shall be identified at the time of site plan review.



# Memorandum

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**To:** Chair Hansen and Members of the Planning Commission

**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

**Date:** April 21, 2022

**Subject:** Noise Nuisance Updates

Commissioner Bernhagen inquired about the City's nuisance ordinance, particularly around the issue of noise. In the process of reviewing performance standards, staff reviewed ordinances from neighboring cities and a nuisance ordinance template from the League of Minnesota Cities. These resources were utilized to draft the proposed amendment to the nuisance ordinance.

Noise nuisances were buried under Section 9.20.020(D), Public Nuisances Affecting Peace and Safety. Staff is proposing removing noise nuisances from this provision of the code and creating a new Section (E) under 9.20.020 that would deal specifically with noise violations.

The proposed noise violation language declares any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of the noise. The ordinance defines plainly audible as a sound that can be detected by a person using their unaided hearing faculties. The proposed ordinance also adopts Minn. Rules Ch. 7030 by reference.

The proposed ordinance also restricts operation of domestic power equipment, refuse hauling, construction activities, radios/music devices/paging systems to certain hours. The proposed ordinance also may require anyone requesting a zoning change to draft a noise impact statement. The proposed ordinance also address participation in noisy parties or gatherings and individuals must disburse immediately at the request of a peace officer.

The proposed ordinance does provide exemptions for emergency work.

There is no public hearing required for non-zoning ordinance amendments. Staff is seeking feedback from the Planning Commission on the proposed ordinance. The Police Department and Code Enforcement have reviewed the proposed ordinance and find that the proposed ordinance will make it easier to address noise complaints within the city.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

**SPRING LAKE PARK  
ORDINANCE 481**

**AN ORDINANCE AMENDING SECTION 9.20.020 OF THE CITY CODE  
RELATING TO PUBLIC NUISANCES**

**NOW THEREFORE**, be it ordained by the Council of the Spring Lake Park, in the State of Minnesota, as follows:

**SECTION 1:**        **AMENDMENT** “9.20.020 Public Nuisances” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

9.20.020 Public Nuisances

- A. *Public Nuisance*. A public nuisance is a thing, act, or use of property which shall:
1. Annoy, injure, or endanger the health, safety, comfort, or repose of the public;
  2. Offend public decency (for example, affect public morals or offend public decency);
  3. Unlawfully interfere with the use of, or obstruct, or tend to obstruct or render dangerous for passage a public water, park, square, street, alley, or highway;
  4. Depreciate the value of the property of the inhabitants of the city or of a considerable number thereof; or
  5. In any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property.
- B. *Public Nuisances Affecting Health, Safety, Comfort, Or Repose*. The following are hereby declared to be public nuisances affecting health, safety, comfort, or repose:
1. All decayed or unwholesome food offered for sale to the public;
  2. All diseased animals running at large;
  3. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of that milk for sale to the public;
  4. Carcasses of animals not buried or destroyed within 24 hours after death;
  5. Accumulations of manure or rubbish;
  6. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
  7. Dumping the contents of any cesspool, privy vault, garbage or rubbish can (as definition of garbage is limited; see SLPC 5.08 for definition of “garbage”) except at places authorized by law; or allowing any cesspool or individual sewage system to overflow in any manner;
  8. All noxious weeds, tall grasses defined as anything over nine inches in height,

and other rank growths;

9. An accumulation of tin cans, bottles, or trash or debris of any nature or description; and the throwing, dumping, or depositing of any dead animals, manure, garbage, waste, decaying matter, rubbish, tin cans, or other material or debris of any kind on private property;
10. Dense smoke, noxious fumes, gas, and soot, or cinders in unreasonable quantities;
11. Offensive trades and businesses as defined by statute or ordinance not licensed as provided by law;
12. All public exposure of persons having a contagious disease;
13. The distribution of samples of medicines or drugs unless those samples are placed in the hands of an adult person by someone properly licensed;
14. All other acts, omissions of acts, occupations, and uses of property which are deemed by the Board of Health to be a menace to the health of the inhabitants of the city or a considerable number thereof;
15. The keeping, maintaining, or harboring of chickens, cows, horses, and other domestic animals or fowl;
16. The keeping, maintaining, or harboring of live wild animals, whether native to this state or not, which in their wild state pose a threat to humans or domestic animals; and
17. The keeping, maintaining, or harboring of any combination of animals or fowl kept in numbers or under conditions that unreasonably annoy, injure, or endanger the health, safety, comfort, repose, or welfare of the public.

C. *Public Nuisances Affecting Morals And Decency.* The following are hereby declared to be public nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;
2. Betting, bookmaking, and all apparatuses used in those occupations;
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
4. All places where intoxicating liquors are manufactured, sold, bartered, or given away, or otherwise disposed of in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale, barter, or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place;
5. Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose;
6. All indecent or obscene pictures, books, pamphlets, magazines and newspapers, and billboards;
7. The public use of profane and obscene language;
8. The looking into or peeping through doors, windows, or openings of private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as “window peeping;” and
9. All other things, acts, commissions, or occupations that may be considered

detrimental to the moral well-being of the inhabitants of the city or a considerable number thereof.

D. *Public Nuisances Affecting Peace And Safety.* The following are declared to be nuisances affecting public peace and safety:

1. All snow and ice not removed from public sidewalks 12 hours after the snow has ceased to be deposited thereon;
2. All wires which are strung above the surface of any public street or alley;
3. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to an extent exceeding one-half of their original value or which are so situated as to endanger the safety of the public;
4. All explosives, inflammable liquids, and other dangerous substances or materials stored or accumulated in any manner or in any amount other than that provided by law or ordinance;
5. All use or display of fireworks except as provided by law or ordinance;
- ~~6. It shall be unlawful for any person to make, continue, permit or cause to be made, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of ordinary sensitivities in the area.~~
- ~~7. The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of Paragraph D,5,a shall include, without limitation, the following:~~
  - ~~a. The time of day or night when the noise occurs.~~
  - ~~b. The duration of the noise.~~
  - ~~c. The proximity of the noise to a sleeping facility and/or a residential area.~~
  - ~~d. The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived.~~
  - ~~e. The number of people and their activities that are affected or are likely to be affected by the noise.~~
  - ~~f. The sound peak pressure level of the noise, in comparison to the level of ambient noise.~~
- ~~8. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of sound, unless otherwise permitted by law, located inside or outside, the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of 50 feet or more from the point of origin of the amplified sound.~~
- ~~9. It shall be a violation of this paragraph to play, operate or permit the playing, use or operation of any radio, tape player, disc player, loud speaker or other electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle on a public street or ally, or any commercial or residential parking facility, which is audible by any person from a distance of 50 feet or more from the motor vehicle. When sound violating this paragraph is produced or reproduced by any device that is located in a~~

~~motor vehicle, the motor vehicle's owner, if present when the violation occurs, is guilty of the violation. If the motor vehicle's owner is not present at the time of the violation, the person who has dominion, care or control of the motor vehicle at the time of the violation is guilty of the violation. In addition to an owner or a driver, any person who controls or assists with the production, reproduction, or amplification of sound in violation of this paragraph is guilty of the violation.~~

10. All buildings and all alterations to buildings made or erected in violation of fire ordinance concerning manner and materials and construction;
11. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds, except under conditions as are provided by ordinance;
12. Any excavation left unprotected or uncovered indefinitely or allowed to exist in a manner so as to attract minor children;
13. Radio aerials strung or erected in any manner except that provided by law or ordinance;
14. The piling, storing, or keeping of old machinery, wrecked or junked vehicles, and other junk or debris;
15. The use of property abutting on a public street or sidewalk, or any use of a public street or sidewalk, which causes large crowds of people to gather, obstructing traffic and free use of public streets or sidewalks;
16. All hanging signs, awnings, and other similar structures over public streets or sidewalks, or so situated as to endanger public safety, not constructed and maintained as provided by law or ordinance, or without proper permit;
17. The allowing of rain, water, ice, or snow to fall from any building on any public street or sidewalk or to flow across any public sidewalk;
18. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
19. Throwing, dropping, or releasing printed matter, paper, or any other material or objects over and upon the city from an airplane, balloon, or other aircraft, or in a manner so as to cause the material to fall on land in the city;
20. Placing entrance culverts, or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys, or sidewalks without proper permit;
21. Making repairs to motor vehicles or tires in public streets or alleys; excepting only emergency repairs when it will not unduly impede or interfere with traffic;
22. Throwing, placing, depositing, or burning leaves, trash, lawn clippings, weeds, grass, or other material in the streets, alleys, or gutters;
23. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or alleys or on sidewalks;
24. All unnecessary interferences and disturbance of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;
25. All other conditions, acts, or things which are liable to cause injury to the

- person or property of anyone;
26. Exposed accumulation of decayed or unwholesome food or vegetable matter;
  27. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
  28. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
  29. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;
  30. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
  31. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other materials in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation; ~~and~~
  32. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
  33. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance; and
  34. The owner or occupant of any land within the city shall be deemed to have committed a public nuisance if the owner or occupant fails to maintain that land in a manner so as to prevent sand, soil, dirt, dust, or debris of any kind or nature from being transported by the wind or air currents from that land to the property of another in quantities so as to constitute a detriment to the property or so as to endanger the health, welfare, safety, or comfort of the public or any person. The owner or occupant of any land in the city is charged with the duty and responsibility of taking whatever steps may be necessary, such as seeding, sodding, paving, blacktopping, sprinkling, or other means as may be lawful to prevent sand, soil, dirt, dust, or debris from being transported by wind, air currents, or otherwise from his or her property to the property of another.

#### E. Noise violations.

##### 1. Prohibited Noises. The following are declared to be nuisances affecting public health, safety, peace or welfare:

- a. Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person, or precludes their enjoyment of property, or affects their property's value in such a manner as to be plainly audible at the boundary of the real property, building, structure, or residence from which the noise originates, or at a distance of 50 feet from the source of this noise (this general prohibition is not



limited by any specific restrictions provided in this ordinance.  
**PLAINLY AUDIBLE** is defined as sound that can be detected by a person using their unaided hearing faculties.

- b. All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules Ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
- c. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.
- d. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor vehicle, motorcycle, all-terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
- e. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
- f. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

## 2. Hourly Restriction of Certain Operations.

- a. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power equipment, except between the hours of 7:00am and 10:00pm on weekdays and 8:00am and 10:00pm on any weekend or public holiday. Snow removal equipment is exempt from this provision. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises that disturb the peace, quite or repose of a person of ordinary sensibility.
- b. Refuse Hauling. See SLPC 5.08.010, Paragraph I.
- c. Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment, except between the hours of 7:00am and 9:00pm on any weekday or between the hours of 9:00am and 9:00pm on any weekend or public holiday.
- d. Radios, Music Devices, Paging Systems, and the Like. The operation of any device referred to in Paragraph E, 1, f between the hours of 10:00pm and 7:00am in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- e. Noise Impact Statements. The Council may require any person applying for a change in zoning classification or a permit or license

for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and takes its evaluation into account in approving or disapproving the license or permit applied for or the zoning change(s) requested.

3. Participation in Noisy Parties or Gatherings. No person shall participate in any party or other gathering of people giving rise to noise, disturbing the peace, quiet or repose of other persons. When a peace officer determines that a gathering is creating such a noise 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 peace officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

4. Exception for Emergency Work. Noise created exclusively in the performance of emergency work to preserve the public health, safety or general welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard, shall be exempt from the provisions of this Section. Any persons responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

F. *Enforcement.* It shall be the duty of the City Council to enforce the provisions of this section and the City Council may, by resolution, delegate to other officers or agencies power to enforce particular provisions of this section, including the power to inspect private premises. The officers charged with the enforcement of this section shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

G. *Notice To Abate; Abatement By City; Recovery Of Costs.* Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the officer shall notify in writing the person committing and maintaining the public nuisance and require him or her to terminate and abate the nuisance and to remove those conditions or remedy those defects.

1. *Service of notice.* This written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by pasting a copy of the notice on the premises.

2. *Contents of notice.* The notice shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for the removal of the nuisance after service of notice shall not in any event exceed 30 days.

3. *Proof of service.* Service of notice may be proved by filing an affidavit of service in the office of the City Administrator, Clerk/Treasurer setting forth the

manner and time thereof. When an order so given is not complied with, the non-compliance shall be reported forthwith to the City Council for such action as may be necessary and deemed advisable, in the name of the city, to abate and enjoin the further continuation of the nuisance.

4. *Non-compliance with notice to abate.* If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the direction of the City Council, the City Council may cause the nuisance to be abated at the expense of the city and recover the expenditure, plus an additional 25% of the expenditure, by civil action against the person or persons served; or, if service has been had upon the owner or occupant, by ordering the Administrator, Clerk/Treasurer to extend that sum, plus 25% thereof, as a special tax against the property upon which the nuisance existed and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.
5. *Recovery of city's costs to abate.* In addition to the above, abatement of any nuisance relating to noxious weeds, tall grasses, and other rank growths shall be administered as follows: a certified letter shall be sent to the occupant or owner of the property demanding abatement of the nuisance within five days; thereafter, the city or a contractor will mow the premises and the actual cost, plus an administrative fee as set from time to time by Council resolution, shall be billed to the occupant or owner. In the event the amount billed is not paid, the charges shall be certified as a special tax against the property and certified to the County Auditor.

**SECTION 2:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from \_\_\_\_\_ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Robert Nelson, Mayor, Spring Lake  
Park

\_\_\_\_\_  
Daniel R. Buchholtz, Administrator,  
Clerk/Treasurer Spring Lake Park