

**BILL NO. 2009-21**

**AN ORDINANCE AMENDING  
SUBSECTIONS 930.01, 930.03, 930.05, 930.11 AND 930.13  
OF THE RICHFIELD CITY CODE; RELATING  
TO REGULATION OF NOISE**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Subsection 930.01 of the Richfield City Code is amended to read as follows:

930.01. Subd. 3. "Motor vehicle" means (i) any self-propelled vehicle not operated exclusively upon railroad tracks, (ii) any vehicle propelled or drawn by any self-propelled vehicle, except snowmobiles.

Sec. 2. Subsection 930.03 of the Richfield City Code is amended to read as follows:

930.03. Adoption of regulations by reference. The following state agency regulations are adopted by reference: Minnesota Pollution Control Agency, Noise Pollution Control Section, ~~6 MCAR SS4.2004 and NPC 1~~ Minnesota Rules Chapter. 7030, as amended.

Sec. 3. Subsection 930.05 of the Richfield City Code is amended to read as follows:

930.05. Receiving land use standards. Subdivision 1. Maximum noise levels by receiving land use district. ~~No person shall operate or cause to be operated or permit any source of noise in such a manner as to create a noise level exceeding the limits set in Table I for the receiving land use category specified therein when~~ For purposes of enforcing maximum noise levels by the receiving land use district as established by state rules, noise levels will be measured at the property line of the receiving use which is closest to the source.

Table I  
~~L-10 Noise Limits by Receiving Zoning Districts~~

<del>Zoning Districts</del>	<del>Daytime</del>	<del>Nighttime</del>
<del>Industrial (i)</del>	<del>70 dBA</del>	<del>70 dBA</del>
<del>General Commercial (C-2)</del>	<del>65 dBA</del>	<del>65 dBA</del>
<del>Neighborhood Commercial (C-2)</del>	<del>60 dBA</del>	<del>60 dBA</del>
<del>Residential (R, MR)</del>	<del>60 dBA</del>	<del>50 dBA</del>

Subd. 2. Exceptions. ~~The noise limits prescribed in subdivision 1 shall not apply to the following exceptions to the maximum noise limits established by state rules shall apply:~~

(a) construction activities described in subsection 930.09.

(b) situations in which public health and safety require that immediate work be done on any property the performance of which exceeds the sound levels permitted for that time of day or for that day.

(c) situations in which the purpose of the sound is to alert persons to an emergency or for the purpose of testing any alarm system.

Sec. 4. Subsection 930.11 of the Richfield City Code is amended to read as follows:

930.11. Air circulation devices; auxiliary generators. Subdivision 1. Permit required. No person may permanently install or place any sound emitting air circulation device, auxiliary generator or other heating, ventilation or air circulation mechanical equipment, except a window air conditioning unit, in any outdoor location without first obtaining a permit for the installation. The requirement for a permit does not apply to a window air conditioning unit or an auxiliary generator that is temporarily placed during emergency use.

Subd. 2. Sound levels; mitigation required. The sound level produced by any window unit, air circulation device, auxiliary generator and by any existing air circulating or other heating, ventilation or air circulation mechanical device shall be reduced in the manner required by the director of public safety community development. Such requirements may include, but are not limited to, placement or installation of fencing, landscaping or sound baffling equipment or relocation of the device, if the noise results or contributes to sound levels in excess of those specified in Table I.

Sec. 5. Subsection 930.13 of the Richfield City Code is amended to read as follows:

930.13. Motor vehicles. Subdivision 1. General restrictions. No person may operate a motor vehicle or combination of vehicles in such a manner as to exceed the noise limits contained in Pollution Control Agency Rules, 6-MCAR-4.2004 Minn. R. 7030.1000-1060, as amended.

Sec. 6. This ordinance shall be effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 8th day of December, 2009.

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Debbie Goettel, Mayor

ATTEST:

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Nancy Gibbs, City Clerk