

An Ordinance Regulating Noise at Licensed Establishments In Avon Township

THE AVON TOWNSHIP BOARD OF SUPERVISOR'S ORDAINS:

SECTION 1.0 - STATUTORY AUTHORIZATION AND PURPOSE

- 1.1 Purpose. The purpose of this Ordinance is to provide reasonable and necessary precautions to protect and insure the health, welfare, comfort and safety of the Township by limiting noise levels at licensed establishments in Avon Township that may adversely affect neighbors of the licensed establishment.

SECTION 2.0 – GENERAL PROVISIONS

- 2.1 Severability. The provisions of this Ordinance shall be severable. In the event any section, paragraph, sentence, clause, phrase or portion of this Ordinance is declared invalid for any reason, the remainder of this Ordinance shall not be affected thereby.
- 2.2 Interpretation and Application. The provisions of this Ordinance shall be considered minimum requirements and shall be liberally construed in favor of Avon Township and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

SECTION 3.0 - DEFINITIONS

- 3.1 "Licensed Establishment" means any restaurant, bar, or other establishment licensed as a food, beverage or food & beverage service establishment by Stearns County.
- 3.2 "Event" means any activity that may result in noise that extends beyond the premises of the Licensed Establishment.
- 3.3 "Noise" means any sound such as music, or loud gathering of individuals.

SECTION 4.0 – GENERAL REQUIREMENTS

- 4.1 Noise Limitations. All necessary precautions shall be taken to ensure that the sounds from the Licensed Establishment shall not carry unreasonably beyond the boundaries of the property. In no case shall the sound levels exceed Minnesota Rules establishing noise standards, *Minnesota Rules, Chapter 7030; or successor rules.* (<https://www.revisor.leg.state.mn.us/rules/?id=7030>; for more info).
- 4.2 Noise of such volume as to be clearly audible at a distance of 50 feet from the structure or building in which the event or gathering is occurring shall be prima facie evidence of a violation of this section.

SECTION 5.0 - INSPECTIONS

The Avon Township Board of Supervisors reserves the right for the Board or the Stearns County Sheriff's Department to inspect every Licensed Establishment in the township as frequently as may be necessary to ensure compliance with this Ordinance. Any person operating a Licensed Establishment shall, upon request of the Avon Township Board of Supervisors or Stearns County

Sheriff's Department and after proper identification, permit access to the property at any reasonable time for the purpose of inspection and shall exhibit and allow copying of any records necessary to ascertain compliance with this Ordinance.

SECTION 6.0 - ENFORCEMENT

- 6.1 The provisions of this Ordinance may be enforced by injunction in any court of competent jurisdiction. The holding of an Event at a Licensed Establishment in Avon Township, in violation of any provision or condition contained herein, shall be deemed a public nuisance and may be abated as such.
- 6.2 The Stearns County Sheriff's Department shall enforce the provisions of this ordinance.
- 6.3 Exemptions Authorized by Avon Township. Upon special request, the Board of Supervisors may exempt a licensed establishment from the prohibitions set forth within this ordinance.

SECTION 7.0 - PENALTIES

- 7.1 Violation of this ordinance is a petty misdemeanor punishable by a fine of \$200.00.

SECTION 8.0 – EFFECTIVE DATE

This Ordinance shall be in full force and effect after its passage and publication as provided by law.

ADOPTED BY THE AVON TOWNSHIP BOARD OF SUPERVISORS THIS

_____ DAY OF _____ MONTH, _____ YEAR

APPROVED:

Avon Township Board of Supervisors

ATTEST:

Avon Township Clerk

PUBLISHED:

Stearns-Morrison Enterprise