



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

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**Agenda
Section:**

Committee: Finance

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Final Action: 09/14/2015

Title: AN ORDINANCE AMENDING CHAPTER 34, SECTION 23, OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION PROHIBITING EXCESSIVE ENGINE DISCHARGE OR BRAKING NOISE.

Internal Notes:

Sponsors: Filipovich

Enactment Date: 09/14/2015

Attachments:

Enactment Number: 10402

Recommendation:

Hearing Date:

Drafter: slapaugh@duluthmn.gov

Effective Date: 10/15/2015

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	08/31/2015	read for the first time				
1	City Council	09/14/2015	adopted				
1	Mayor	09/14/2015	approved				
1	City Clerk	09/14/2015	attested				

Text of Legislative File 15-072-O

AN ORDINANCE AMENDING CHAPTER 34, SECTION 23, OF THE DULUTH CITY CODE, 1959, AS AMENDED, ADDING A NEW SECTION PROHIBITING EXCESSIVE ENGINE DISCHARGE OR BRAKING NOISE.

BY COUNCILOR FILIPOVICH:

Section 1. That Chapter 34, Section 23, of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 34-23. Vehicle noise limits. ~~for electronically amplified sound.~~

(a) Electronically Amplified Sound.

No motor vehicle, as defined in Section 33-1 of this Code, shall emit any electronically amplified sounds that are plainly audible at a distance of 50 feet from the vehicle, provided that this Section shall not apply to:

- (1) Sirens, horns or other signaling devices used by an authorized emergency vehicle as defined in Minnesota Statutes Section 169.01;
- (2) Vehicles in parades or other civic celebrations duly authorized by the city;
- (3) Motor vehicle horns when actually used as a warning of danger;
- (4) Anti-theft devices installed on motor vehicles;

(b) Engine Braking.

(1) Definitions. The following phrases are defined as follows:

(A) "Engine retarding brake" shall mean a Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

(B) "Abnormal or excessive noise" shall mean (1) distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value, (2) noise in excess of that permitted by Minnesota Statutes Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (3) noise in excess of that permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this Statute and these rules may be amended from time to time, which establish motor vehicle noise standards.

(2) It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

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

(4) Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City's Traffic Engineer to advise motorists of the prohibitions contained in this Section. The provisions of this ordinance are in full force and effect even if no signs are installed.

(bc) Violations of this Section are punishable by fines of not to exceed those set in accordance with Section 31-8 of this Code for the first and second offenses and a fine as provided in Section 1-7 of this Code for all subsequent offenses.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.