

SUMMARY ORDINANCE NO. 2023- 4 -2

**CITY OF STACY
CHISAGO COUNTY, MINNESOTA**

**AN ORDINANCE PROHIBITING EXCESSIVE VEHICLE NOISE,
INCLUDING NOISE FROM TRUCKS USING ENGINE RETARDING
BRAKES, AND ADOPTING BY REFERENCE MINNESOTA STATUTES
SECTIONS 169.69 AND 169.693 AND MINNESOTA RULES PARTS
7030.1000 TO 7030.1050.**

NOTICE IS HEREBY GIVEN that, on May 9, 2023, Ordinance No. 2023-4-2 was adopted by the City Council of the City of Stacy, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 2023-4-2, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that Ordinance No. 2023-4-2 amends the City Code by prohibiting excessive vehicle noise, including noise from trucks using engine retarding brakes, and adopting by reference Sections 169.69 and 169.693 and Minnesota Rules Parts 7030.1000 to 7030.1050.

A printed copy of the whole Ordinance is available for inspection by any person during the City's regular office hours at the City of Stacy, 30955 Forest Blvd, Stacy, Minnesota 55079.

APPROVED for publication this 9th day of May, 2023 by the City Council of the City of Stacy.

CITY OF STACY

By: _____
Mark Utecht, Mayor

ATTEST

Angie Comstock, City Clerk

225451v1

Proposed Ordinance Posted: April 19, 2023

Public Hearing Date: n/a

Proposed Adoption Date: May 9, 2023

Published:

**CITY OF STACY
CHISAGO COUNTY, MINNESOTA**

ORDINANCE NO. 2023- 4-2

**AN ORDINANCE PROHIBITING EXCESSIVE VEHICLE NOISE,
INCLUDING NOISE FROM TRUCKS USING ENGINE
RETARDING BRAKES, AND ADOPTING BY REFERENCE
MINNESOTA STATUTES SECTIONS 169.69 AND 169.693 AND
MINNESOTA RULES PARTS 7030.1000 TO 7030.1050.**

THE CITY COUNCIL OF THE CITY OF STACY ORDAINS:

SECTION 1. Title VII, Chapter 71 of the Stacy City Code is hereby amended to add a new Section 71.04 to read as follows

§ 71.04

(A) Definitions. For the purposes of this section, the following phrases are defined as follows:

"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.

"Abnormal or excessive noise" shall mean (a) 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, (b) 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 (c) 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.

(B) 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.

(C) 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.

(D) Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

(E) Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this ordinance are in full force and effect even if no signs are installed.

(F) It is the intention of the City Council that all future amendments to any statutes and rules referenced or adopted by reference in this ordinance are also referenced or adopted by reference as if they had been in existence at the time this ordinance was adopted.

(G) Any person, firm or corporation who violates any provision of this section shall, upon conviction, be guilty of a petty misdemeanor and punished by a fine of not more than \$300.

SECTION 2. This ordinance shall take effect from and after its passage and publication.

ADOPTED this 9th day of May, 2023 by the City Council of the City of Stacy.

CITY OF STACY

By: _____
Mark Utecht, Mayor

ATTEST

Angie Comstock, City Clerk