

N. Butler  
6/21/16

## UNLAWFUL NOISE ORDINANCE

In addition to my letter sent and referred to in last week's work session I would like to add the following comments:

As stated by our Police Chief, the decibel of live outdoor music does not in any way exceed what is acceptable or unlawful.

If opinion is to be the basis of decision-making, then please give me more time to solicit the opinion of both Cow customers and our wider community members regarding the outdoor music in general and late night weekend music in particular. I can almost guarantee that for every objector there will be a dozen or more supporters. As we all know and agree, you cannot please all the people all of the time.

I am filing a FOIA or Data Request Form. This data may help the Council's decision making process by supplying hard information instead of minority opinion regarding Disorderly Conduct, Loud Parties and Unlawful Noise which this ordinance bundles together with late night weekend outdoor music.

I listened to the last week's work session with more than a passing interest. Almost all of the discussion focused on outdoor music. Mention was made of City approved events and the use of City property & other resources but no mention at all was made of time limits for these events. If this ordinance is passed can The Cow 'piggy back' on these event times... eg til 1am on DJJD.

The named venues and persons during the Work Session were: The Reub 1, Froggies 1, Tavern 3, The Colleges 3, The Cow + my name 15 times. So forgive me as I say that it is ingenuous to declare that this proposed ordinance is not targeted at The Cow.

**Before making your final decision, please allow more time to analyze the results off my FOIA, which will tally noise in all its variety including noise which is offensive to one's ears or music to one's ears.**

**This year, The Cow invested \$10,000 on a new colored concrete patio, over \$2,000 to improve the electrical supply to the outdoor stage and Tikki Hut and \$1,500 to enhance outdoor lighting the experience of the musicians and the audience - plus we are budgeting \$10,000 on colored concrete on the remaining half of the outdoor land area: A total of \$22,5000 to improve our river-view property. And all this without grants or loans, forgivable or not.**

**The Cow has offered live outdoor music since it opened in 1999. It is an evolution of, and important addition to, our business plan: Good Beer, Good Food, Good Company...Good Entertainment - and it has been well received by all our customers, the majority of our own Northfield community and many others including from The Twin Cities and elsewhere in southern Minnesota.**

**From 11am until midnight is a very important time for both the fun & enjoyment of our customers and of our sales. And I ask that the times be 10pm Sundays through Thursdays and midnight, the witching hour on Fridays & Saturdays.**

**Furthermore, if and when the train whistle is finally and forever silenced - by the way the restful repose of the future guests of the new hotel will depend on this - then the Cow will certainly embrace an 11pm music curfew.**

**MayFly, JuneBug, July JazzFest, Brit Invasion, DJJD.**

**Re: Section 2 Northfield Code, Chapter 50-90 – Unlawful Noise**

Or, "How is it with me when every noise appalls me". (Macbeth).

However, William J Le Petomane would certainly approve of this proposed ordinance conflating as it does exhaust emissions with music. (Blazing Saddles)

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*Exceptions (e) (3): All Noises are Equal, but some Noises are more Equal than others.*

(George Orwell)

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*(a) Findings...free exercise of religion. Does this mean the shrill dire warnings on Saturday mornings on Bridge Square is Good Noise and gets a pass?*

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**Is Northfield an Arts Town...or Not?**

**Is our Downtown an Entertainment District...or Not?**

Over the years, since 1999, The Cow (and other venues) has developed a well-deserved reputation -in and way beyond Northfield - for quality live music both indoors and outdoors. This development is a deliberate part of The Cow's business plan. This in turn has brought business to many other retail stores and restaurants in Northfield. Is it the intention of this proposed ordinance to reverse this growth trend? Or, can we anticipate yet another tax, this time a license for live music?

The Cow, as a good neighbor and community member, will of course continue to comply with any and all City Ordinances be they bad or good.

Sincerely, Norman Butler

June 13<sup>th</sup> 2016

*N. Butler 6/21/16*