

ORDINANCE NO. 981

AN ORDINANCE AMENDING NORTHFIELD CITY CODE, CHAPTER 50 – OFFENSES AND MISCELLANEOUS PROVISIONS

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 50 – Offenses and Miscellaneous Provisions, Article IV. – Offenses Involving Public Peace and Order, Secs. 50-86. - Disorderly conduct and 50-87. - Noisy parties or assemblies, are hereby amended to read as follows:

Sec. 50-86. - Disorderly conduct.

(a) No person shall. It is unlawful for any person in a public or private place, knowing or having reasonable grounds to know that it will or will tend to alarm, anger or disturb others or provoke any assault or breach of the peace, to permit upon premises owned or controlled by him or her, or to do the following:

- (1) Commit any assault;
- (2) Engage in brawling or fighting;
- (3) Disturb an assembly or meeting, not unlawful in its character;
- (4) Spit upon any sidewalk or crosswalk;
- (5) Appear in public or any exposed place in a state of nudity or in any indecent or lewd dress willfully and lewdly exposing his or her person or the private parts thereof or procure another to so expose himself or herself, behave in an open or grossly licentious or lascivious manner, or perform any act of public indecency;
- (6) Annoy, disturb, interfere with, obstruct or be offensive to others to a degree whereby a breach of peace may be or is likely to be occasioned;
- (7) Fail or refuse to obey a police officer's lawful order; ~~or~~
- (8) ~~Be guilty of any in~~ Engage in ~~offensive, indecent, abusive, lewd, or obscene acts, or any lewd, indecent or obscene conduct, language, or behavior~~ tending reasonably to arouse alarm, anger or resentment in others;
- (9) Voluntarily enter the water of any lake, river or City public swimming pool between the hours of 10:00 P.M. and 8:00 A.M., except with specific permission, or enter such water without being garbed in a bathing suit sufficient to cover his or her person and equal to the standards generally adopted and accepted by the public;
- (10) Cause defacement, destruction or otherwise damage to any premises or any property located thereon;
or
- (11) Strew, scatter, litter, throw, dispose of or deposit any refuse, garbage or rubbish unto any premises except into receptacles provided for such purpose.

(b) Any person convicted of violating any provision of this Section is guilty of a misdemeanor.

Sec. 50-87. - Unlawful ~~Noisy parties, or assemblies or gatherings.~~

(a) It is unlawful ~~A~~ for any person who ~~to participate in any party, or assembly or other gathering of two or more people from which noise emanates of a sufficient volume or of sufficient nature that causes to the unreasonable disturbing of the peace, quiet or repose of a reasonable person of ordinary sensibilities ~~another person is guilty of a misdemeanor. Any owner or tenant of the place at which a~~~~

disturbance is occurring, who has knowledge of the disturbance and fails to immediately abate the disturbance, is guilty of a misdemeanor.

- (b) When law enforcement determines that a party, assembly or other gathering is creating such a noise disturbance as prohibited under paragraph (a) of this Section or Section 50-90, Aa police officer may order all persons present at a noisy party or assembly prohibited in subsection (a) of this section, other than the owners or tenants of the place premises where at which the disturbance is occurring, to immediately disburse. Any No person who shall refuse to leave after being so ordered to do so by a police officer shall be guilty of a misdemeanor. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.
- (c) Any person convicted of violating any provision of this Section is guilty of a misdemeanor.

SECTION 2. Northfield Code, Chapter 50 – Offenses and Miscellaneous Provisions, Article IV. – Offenses Involving Public Peace and Order, is hereby amended to add a new Sec. 50-90, as follows:

Sec. 50-90. – Unlawful Noise.

- (a) Findings. The City Council finds that excessive noise is injurious to the public health, safety and welfare, interferes with the quiet enjoyment of life and property, and interferes with the tranquility and privacy of the home. Accordingly, the City has a compelling interest in imposing time, place and manner restrictions on such noise on a content neutral basis and in a manner that does not unreasonably infringe upon the rights of the City's inhabitants and visitors to engage in free speech or the free exercise of religion.
- (b) It shall be unlawful for any person to make, continue, permit or cause to be made or continued any loud, unnecessary, or unusual noise or any noise within the City which would be likely to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of ordinary sensibilities.
- (c) The following non-exclusive characteristics and conditions shall be considered in determining whether a noise is loud, disturbing or excessive for the purposes of this Section:
 - (1) The time of day or night the noise occurs;
 - (2) The duration or recurrence of the noise;
 - (3) The proximity of the noise source to any location reasonably identifiable as a sleeping facility, residential dwelling unit, school, institution of learning, hospital, church, courthouse or office, such that it is reasonably likely to interfere with the peace, quiet, repose, or operation of that property;
 - (4) The number of people and their activities that are affected or likely to be affected by the noise;
 - (5) The land use, nature and zoning of the area from which the noise emanates and the area where it is perceived; and
 - (6) The sound level, if known, in comparison to the level of ambient noise.
- (d) The following acts constitute a presumptive public nuisance affecting public peace and order:
 - (1) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. R. ch. 7030, as the same may be amended from time to time, are hereby incorporated into this ordinance by reference;
 - (2) The continual sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle for a period of at least 15 seconds even if interrupted by short gaps in sound, on any street, public place, or private property within the City except as a danger warning;
 - (3) The use, operation, or permitting the playing, use, or operation of any radio receiving set, musical instrument, phonograph, or other machine or device for the amplification, production or reproduction of sound at any time in such manner as to be likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of ordinary sensibilities who might be in its vicinity; or in the C-1, C-2, and I-1 Zoning Districts between 10:00 P.M. and 7:00 A.M. Sunday through Wednesday, and between Midnight and 7:00 A.M. Thursday through Saturday; or in all other Zoning Districts between 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 11:00 P.M. and 7:00 A.M. Friday and Saturday, at such a volume so as to be plainly audible at the real property boundary of the building, structure, residence or other area in which the device is located;
 - a. Exception: The above time limits contained in paragraph (d)(3) shall not apply to those certain noise complaints generated by complainants who reside within, or within 300 feet of, the C-1,

C-2, or I-1 Zoning Districts, and are related to the playing of music indoors at bars, taverns and nightclubs or similar entertainment businesses that regularly play music as part of their business. Playing of music indoors for purposes of this exception means that such music is played within the enclosed structure of the business such that doors, windows, patios or other business openings to the outdoors are otherwise closed during the above stated times to prevent the escape of noise to the outdoors, but allowing for periodic ingress and egress to the business through otherwise closed doors.

- (4) The use, operation or permitting the playing, use or operation of any radio receiving set, musical instrument, or other machine or device for the amplification, production or reproduction of sound within a motor vehicle at a volume where it is audible by any person from a distance of fifty (50) feet or a distance of five (5) motor vehicle lengths or more from the source. Where the motor vehicle's owner is present that person is responsible for any violation of this subsection. If the owner is not present, the driver or person in control of the vehicle is responsible for any violation of this subsection. In addition to an owner or driver, any person who controls or assists with the amplification, production or reproduction of the sound in violation of this subsection is an additional responsible party;
- (5) The use, operation, or permitting the playing, use, or operation of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier, or other machine or device for the production or reproduction of sound, which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, except as may be licensed or permitted by the City;
- (6) Yelling, shouting, hooting, whistling, or loud singing on the public streets within fifty (50) feet of a residential dwelling unit or sleeping facility, between the hours of 10:00 P.M. and 7:00 A.M.;
- (7) The use of a compression engine brake device in non-emergency situations to slow the speed of an internal combustion engine powered motor vehicle on City streets or highways without an exhaust muffler in good working order or other device that is effective in preventing loud engine roaring, staccato popping or growling resulting from the use of the compression engine brake;
- (8) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise; and
- (9) Unlawful parties, assemblies or gatherings pursuant to Section 50-87.
- (e) Exceptions.
 - (1) Public safety. The operation of authorized emergency vehicles, including without limitation police vehicles, fire vehicles, ambulances and City, county or state snowplowing vehicles, the use of sirens, warning devices, sound amplification devices or other equipment by public safety personnel in emergency situations shall be exempt from the provisions of this Section.
 - (2) Emergency work. Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this Section. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise and obtain applicable permits.
 - (3) Government sponsored or permitted or licensed activities. Certain government, and/or government permitted or licensed public or private activities related to public entertainment, including but not limited to community events such as Defeat of Jesse James Days, Fourth of July Fireworks, concerts in public parks, carnivals, and parades, shall be exempt from the provisions of this Section.
- (f) Any person convicted of violating any provision of this Section is guilty of a misdemeanor.

Sec. 50-91—50-115. - Reserved.

SECTION 3: This Ordinance shall take effect thirty days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this 16th day of August, 2016.

ATTEST:

City Clerk

Mayor

First Reading: _____

Second Reading: _____

Published: _____

VOTE: ___ GRAHAM ___ DELONG ___ LUDESCHER ___ NAKASIAN

___ POWNELL ___ PETERSON WHITE ___ ZWEIFEL