

City Council Meeting Date: August 2, 2016

To: Mayor and City Council
City Administrator

From: Monte Nelson, Chief of Police

..Title

Consider Ordinance Regarding Proposed changes to City Code Chapter 50 – Offenses and Miscellaneous Provisions Related to Disorderly Conduct, Loud Parties and Noise.

..Body

Action Requested:

The Northfield City Council is requested to have the First Reading of an Ordinance amending Chapter 50- Offenses and Miscellaneous Provisions related to Disorderly Conduct and Loud Parties/Assemblies, and a proposed new Unlawful Noise section.

Summary Report:

The proposed changes to the City ordinance related to Disorderly Conduct and Loud Parties/Assemblies and a new section of Noise Ordinance were previously presented to Council at the May 3rd City Council meeting, the June 14 City Council work session, and the July 19 City Council meeting. Please see and review the attachments including the proposed Ordinance in question and the staff reports from the previous City Council Meetings.

At the July 19 City Council meeting, Council proposed changes to the time limitations in the Noise Section of the ordinance, 50-90, (d) (3). Council directed staff to bring back the original ordinance and the proposed changes for review and consideration. In order to focus the discussion as directed, staff is providing three options below: the original proposed language, the language proposed by Council on July 19, and one staff alternate to the proposed Council language.

1. Original Proposed Ordinance language, July 19:

- (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 between the hours of 10:00 P.M. and 7:00 A.M. Sunday through Thursday and 11:30 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 Downtown Commercial Zoning District, 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.

2. Ordinance Language Proposed by Council, July 19:

- (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, between 11:00 P.M. and 7:00 A.M. Thursday, and between Midnight and 7:00 A.M. Friday and 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.

3. Staff Proposed Alternate:

- (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 Thursday, and between Midnight and 7:00 A.M. Friday and 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.

Staff suggested Option #3 with only one change from the Council proposed language: the time limitation for the C-1, C-2, and I-1 districts would be changed to, "...between 10:00 P.M. and 7:00 A.M. Sunday through Thursday," as opposed to 10:00 P.M. – 7:00 A.M. Sunday through Wednesday, and 11:00 P.M. – 7:00 A.M. Thursday. Staff proposed this change for several reasons:

1. The first reason is simply to keep the language consistent between the two zoning areas, with the days of week being "Sunday through Thursday" in all zones, with the two different time frames, depending on zone. This will help simplify understanding and enforcement of the ordinance for our own staff.
2. Second, Thursday night is a typical "school night" when school is in session for a portion of the outdoor music season and also is a typical "work night" for individuals similar to Sunday through Wednesday. Therefore, there may be greater public sensitivity toward music in later hours on Thursday similar to Sunday through Wednesday.
3. Third, it is staff experience that it is much easier to explain to a complainant, loud music allowances past 10:00 P.M. on a Friday or Saturday night versus a weeknight.

Staff recommends approval of the First Reading for all of the proposed changes and the new sections to the ordinance as modified by Council.

Alternative Options:

Alternative options are listed above, but Council could choose to modify timeframes, days of the week, or other parts of the ordinance as they deem appropriate. Staff is recommending option 3 but will be able to enforce the other options that are presented as well.

Tentative Timelines:

If approved, the second reading of the ordinance will take place on August 16, publication on August 24, and the ordinance would be effective September 23, 2016.