City Council Meeting Date: May 3, 2016

To: Mayor and City Council
Interim City Administrator

From: Monte Nelson, Chief of Police

..Title
Discussion Item: Proposed changes to existing Disorderly Conduct and Loud Party Ordinances, and a new/proposed Unlawful Noise Ordinance.

..Body
Action Requested:
The Northfield City Council is requested to review and discuss the attached proposed changes to City ordinances related to Disorderly Conduct and Loud Parties/Assemblies, and a proposed new Unlawful Noise Ordinance.

Summary Report:
Council is asked to consider and discuss the proposed changes to Northfield Ordinances relating to Disorderly Conduct and Noisy Parties and Assemblies, and a new/proposed Unlawful Noise Ordinance.

The proposed changes to existing ordinances and a new ordinance are brought to Council for several reasons including Council direction, recent judicial ruling, and requests from Northfield residents. Explanation of the proposed changes and the justification for them are listed below and in the attachments.

1. **Ordinance 50-86, Disorderly Conduct**:
   This ordinance is related to the other proposed changes. Improved model language is suggested to make the Disorderly Conduct Ordinance more legally defensible and cover additional offenses. Those changes include:
   - Subd. (a) (5), language related to indecent exposure improved.
   - Subd. (a) (8), improved language related offensive acts.
   - Subd. (a) (9), new language related to swimming after hours or without proper bathing suit.
   - Subd. (a) (10), new language regarding defacement or destruction of property.
   - Subd. (a) (11), new language related to strewing garbage, refuse, etc.

2. **Ordinance 50-87, Unlawful Parties, Assemblies, or Gatherings:**

   The existing "Noisy parties or assemblies" ordinance was recently ruled *unconstitutionally vague* by a Rice County Judge. The suggested language changes are a direct result of this ruling. The Judge pointed out the lack of a "reasonable person" standard in the ordinance; Subd. (a) now contains such language.

3. **Ordinance 50-90, Unlawful Noise:**
   This noise ordinance is brought to Council for numerous reasons. In 2015, Council asked the Chief to bring improved or new ordinance language to deal with noise emanating from outdoor performances at bars downtown. Complaints have been received for years regarding outdoor bands. The current language in the Land Development Code has proved ineffective in dealing with these types of issues. Northfield Police have also received complaints from Northfield residents regarding noisy vehicles, specifically engine braking and loud music.

   The new ordinance includes the following sections and topics.
   - Subd. (b) and (c) relate to general noise prohibitions and conditions to be considered for enforcement.
   - Subd. (d) includes several vehicle related portions:
     - (2) related to continual sounding of horns or signaling devices.
     - (4) related to loud music coming from vehicles.
     - (7) regulating use of compression engine braking (jake-braking) in non-emergency circumstances.
     - (8) use of vehicles in disrepair creating loud grinding or grating sounds.
   - Subd. (d) (3), relates to music and other amplified sounds in general and includes language related to time of day prohibitions: Sunday – Thursday 10:00 p.m to 7:00 a.m. and Friday – Saturday 11:00 p.m. to 7:00 a.m.
   - Subd. (d) (6), prohibiting loud yelling, shouting etc. from 10:00 p.m. to 7:00 a.m.

City Civil and Criminal Attorneys have reviewed and revised the suggested ordinance language, and they agree these changes will improve the understanding of, and enforceability of the ordinances. Staff believes the proposed changes will improve quality of life issues in Northfield.

See attachments including: Proposed Ordinance – DC-Noise, etc., and Current Ordinance – DC-Loud Party

Alternative Options:
1. The City Council has the option to direct the City Attorneys to appeal the judge's ruling.
2. The City Council may choose to approve some of the changes and not others.

Tentative Timelines:
Staff will follow the direction of Council regarding future action related to the ordinances.