

ORDINANCE NO. 161

AN ORDINANCE DEFINING AND PROHIBITING CERTAIN PUBLIC NUISANCE ACTIVITIES WITHIN THE CITY OF ARLINGTON.

THE CITY COUNCIL OF THE CITY OF ARLINGTON, SIBLEY COUNTY, MINNESOTA, DOES ORDAIN AS FOLLOWS:

In the interest of public health and safety, and to guarantee the peaceful and reasonable enjoyment of property rights by the citizens of Arlington, the City Council hereby declares the following described conduct is a public nuisance and shall be a violation of the law. This Ordinance supersedes Ordinance 100 and all other Ordinances inconsistent herewith.

SECTION 1. Any person who keeps or harbors a pet or other animal, or allows another to keep or harbor a pet or other animals on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises at late night hours or in a continuous or persistent manner, shall be considered as maintaining a public nuisance.

SECTION 2. Any person who causes or allows loud music or other disturbing noises to originate from his property in an unreasonable manner or at unreasonable hours which would tend to alarm or disturb the peace and tranquillity of his neighbors shall be guilty of creating or maintaining a public nuisance. Noise or music sources located on the yard or other portions of the property outside the structures of a person's property after the hour of 1:00 a.m. in the morning shall be considered prima facie a public nuisance. It shall also be considered prima facie a public nuisance if any noise or music sources can be clearly heard from a distance of more than 50 feet from the source of said noise or music at any time of the day or night. This provision shall also apply to any noise or music sources located in a motor vehicle whether on private or public property. The driver of any offending motor vehicle, or if no driver is present, the owner of said vehicle, shall be considered the party violating this ordinance.

SECTION 3. It is unlawful for any persons to gather together on any private or public lands if said gathering generates noise of a sufficient volume or of such nature as to disturb the peace, quiet or repose of other persons. Any owner or person in lawful possession or control of any private lands who has knowledge of the disturbance and fails to immediately abate said disturbance shall be guilty of a violation of this Ordinance.

SECTION 4. It is unlawful for any person to consume alcoholic beverages on any public property, including, but not limited to public streets, sidewalks, parking lots and parks. It will not be a violation of such Ordinance if said alcoholic consumption takes place as part of a community activity for which the City Council has issued a special permit, specifically authorizing such alcohol consumption.

SECTION 5. It is unlawful for any persons to congregate on any private property to participate in any party or gathering of people unless the owner of said private property is present or unless said owner has given written permission for such gathering, and such written permission is in the possession of one or more persons participating at the gathering. In the absence of the property owner, failure to display written permission as described herein upon request of a police officer shall be considered prima facie evidence of a violation of this Ordinance.

SECTION 6. It shall be unlawful for persons to participate in any gathering on any city street, sidewalk or parking lot which impedes the flow of traffic or which disturbs the peace, quiet, or repose of other persons. City parking lots are to be used for the parking of motor vehicles only, and not for social gatherings, except by specific written permission for the City Council in conjunction with community social activities and celebrations. A gathering of more than 5 persons for a consecutive time of more than 15 minutes in any City parking lot shall be considered prima facie evidence of a violation of this Ordinance.

SECTION 7. PENALTY: Any violation of this ordinance shall be considered a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than \$700.00 or imprisonment for not to exceed 90 days, together with costs of prosecution.

This ordinance shall be effective immediately upon publication.

/s/ David Czech
Mayor

/s/ Lowell C. Enerson
City Administrator/Clerk/Treasurer

First Reading: July 19, 1999
Second Reading: August 2, 1999
Adopted: August 2, 1999
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