

ORDINANCE NO. 165

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 all Ordinances inconsistent herewith.

SECTION I: Any person who keeps or harbors a pet or other animal 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, shall be considered as maintaining a public nuisance. Late night hours for purpose of this section shall be defined as any time after 11:00 p.m. It shall also be a violation of this ordinance if any person keeps or harbors a pet or other animal who emits barking or other noises at any time of the day or night in a continuous or persistent manner. The phrase “continuous or persistent manner” for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.

SECTION II: 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 tranquility 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 12:00 a.m. midnight shall be considered prima facie a public nuisance. This provision shall also apply to any noise or music sources located in a motor vehicle whether on private or public property. It shall be considered prima facie a public nuisance if music, muffler emission or engine noises or any other noise emitted from a motor vehicle can be clearly heard from a distance of more than 50 feet from the vehicle. 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 III: This ordinance shall not apply to activities, events or celebrations specifically authorized by the City Council, including but not limited to community celebrations and parades, the Sibley County Fair, auto racing held at the Sibley County Fairgrounds, or athletic events held in city parks or on school grounds. Instead, the City Council shall establish specific rules for any such events, as the City Council deems appropriate, balancing the interest of public health and safety with the reasonable needs of such events. The specific rules to be set by the City for such events shall include but not be limited to allowed levels of noise, crowd control, parking and traffic flow rules, and event activity closing time and crowd evacuation time.

SECTION IV: It is unlawful for any person to consume alcoholic beverages on any City property or school property, including, but not limited to public streets, sidewalks, parking lots and parks, school 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 V: 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 VI: 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 of 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 VII: 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 become effective immediately upon publication.

For City of Arlington

/s/ David Czech

Mayor

/s/ Lowell C. Enerson

City Administrator

First Reading: May 15, 2000
Second Reading: June 5, 2000
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