

ARTICLE VII. – OUTDOOR ENTERTAINMENT



Sec. 26-240. - Purpose and intent.

It is the purpose and intent of this article to protect the public's health, safety and welfare through the issuance of permits for outdoor entertainment activities conducted within the city.

(Ord. No. 199A, § 1, 6-20-2007)

Sec. 26-241. - Definitions.

As used in this chapter, the following words and terms shall have the meaning ascribed to them in this section.

Applicant means any person or organization who seeks an outdoor entertainment permit to conduct or sponsor an outdoor entertainment event within the city.

Amplified event means any event that includes electronically amplified music and/or voices.

Nonamplified event means any event that does not include electronically amplified music and/or voices.

Nonprofit/fund raising event means any event conducted by a commercial, residential/agricultural or nonprofit entity for the purpose of raising funds to be and which are subsequently donated to an organization described in section 501(c) or (d) of the Internal Revenue Code of 1986 as amended.

Outdoor entertainment means a specific event or activity held in the open and not within an enclosed structure. Enclosed structures do not include tents, sound stages, pavilions or amphitheatres.

Outdoor entertainment - commercial means a specific outdoor entertainment event or activity conducted or sponsored by a commercial entity for profit or promotion of its business with an estimated attendance of 500 people or more. Commercial shall mean the current defined zoning, based on the city's official zoning map.

Outdoor entertainment - nonprofit means a specific outdoor entertainment event or activity conducted or sponsored by a nonprofit community organization or club for the purpose of raising funds for charitable, educational, religious or other similar purposes with an estimated attendance of 500 people or more. Nonprofit shall mean the current defined zoning public-institutional, based on the city's official zoning map.

Outdoor entertainment - public means a specific outdoor entertainment event or activity conducted or sponsored by the city or any of its agencies, and any event or activity conducted or sponsored by a public or private school with an estimated attendance of 500 people or more. Public shall mean the current defined zoning public-institutional, based on the city's official zoning map.

Outdoor entertainment - private means a specific outdoor event or activity conducted or held on private property by the property owner or the owner's lessee such as a wedding reception, private party, or similar family or social functions with an estimated attendance of 250 people or more. Residential/agriculture shall mean the current defined zoning residential/agriculture based on the city's official zoning map.

Permittee means a person to whom an outdoor entertainment permit is issued.

Person means an individual, firm, partnership, corporation, trustee, association, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, person shall include employees and licensees.

School means an institution or place for instruction or education where 25 or more persons receive a full course of educational instruction with an organized body of teachers associated for pursuit and dissemination of knowledge.

Weekday means that time between 9:01 p.m. Sunday to 12:01 a.m. Friday.

Weekend means that time between 12:01 a.m. Friday to 9:01 p.m. Sunday.

(Ord. No. 199A, § 2, 6-20-2007; Ord. No. 199B, § 2, 2-20-2008)

Sec. 26-242. - Permit required.

Any person desiring to conduct or sponsor an outdoor entertainment activity in the city shall obtain a permit from the city administrator.

(Ord. No. 199A, § 3, 6-20-2007; Ord. No. 199B, § 3, 2-20-2008)

Sec. 26-243. - Permit application requirements.

(a) *Filing of application.* Any person conducting or sponsoring an outdoor entertainment activity for any activity, other than an outdoor entertainment - commercial entity, shall make application for a permit by filing a completed application with the city administrator at 15 days in advance for a residential/agriculture, nonprofit and nonprofit/fundraising outdoor entertainment event of the date on which the event is to occur. The application shall require the following information:

- (1) The name and address of the person or organization conducting the event and the names and dates of birth of the persons or of the managers and officers of the organization.
- (2) The date, time, and place of the event to be held.
- (3) Whether the persons conducting the event or the officers of the organization sponsoring the event are over 18 years of age; and whether such persons have been convicted of any crimes other than minor traffic offenses.
- (4) The approximate number of persons expected to attend the event.
- (5) A description of the type of outdoor entertainment to be conducted.
- (6) The name, address and telephone number of the entity providing the entertainment.
- (7) Whether amplified or non-amplified music or singing will be part of the entertainment.
- (8) The number of security personnel to be employed together with their names and address.
- (9) Such other information as the city administrator shall require.

(b) *Filing of application outdoor entertainment—Commercial.* Any person conducting or sponsoring an outdoor entertainment - commercial, shall file a notice of event and application for a permit by filing a completed notice of event and permit application with the city administrator at least 60 days in advance of the event. The application shall require the following information:

- (1) The name and address of the person or organization conducting the event and the names and dates of birth of the persons or of the managers and officers of the organization.
- (2) The date, time, and place of the event to be held.
- (3) Whether the persons conducting the event or the officers of the organization sponsoring the event are over 18 years of age; and whether such persons have been convicted of any crimes other than minor traffic offenses.
- (4) The approximate number of persons expected to attend the event.
- (5) A description of the type of outdoor entertainment to be conducted.
- (6) The name, address and telephone number of the entity providing the entertainment.
- (7) Whether amplified or non-amplified music or singing will be part of the entertainment.
- (8) The type of temporary structure(s), if any, that will be erected for the event.
- (9) The number of security personnel to be employed together with their names and address.
- (10) Such other information as the city administrator shall require.

The city administrator shall review the notice of event and application for a permit to determine if an outdoor entertainment permit will be required and provide notice to the individual conducting or sponsoring the event

within 30 days of receipt of the notice of event and application of the requirements for the event up to and including a permit for the event.

The event sponsor shall be required to comply with all event requirements as identified by the city administrator.

(Ord. No. 199A, § 4, 6-20-2007; Ord. No. 199B, § 4, 2-20-2008; Ord. No. 14, Second Series, 11-18-2009)

Sec. 26-244. - Investigation.

The application shall be referred to the county sheriff or city police department, as appropriate, for investigation into the contents of the application and for recommendation as to matters of public safety.

(Ord. No. 199A, § 5, 6-20-2007; Ord. No. 199B, § 5, 2-20-2008)

Sec. 26-245. - Permit conditions.

The city administrator or the administrator's designee may issue the permit with such conditions and requirements as are necessary to protect the safety and rights of the public including the requirement that private security personnel be employed by the permittee in the conduct of the event.

(Ord. No. 199A, § 6, 6-20-2007; Ord. No. 199B, § 6, 2-20-2008)

Sec. 26-246. - Permit fees.

A permit fee in an amount established by a duly adopted resolution of the city council shall be paid with the application.

(Ord. No. 199A, § 7, 6-20-2007; Ord. No. 199B, § 7, 2-20-2008)

\$150.00

Sec. 26-247. - Insurance.

As a condition of the granting of a permit for an outdoor entertainment conducted on public property or public streets or parking lots, the permittee shall provide to the city a public liability insurance policy naming the city as an additional insured entity with limits of not less than \$1,000,000.00 per occurrence.

(Ord. No. 199A, § 8, 6-20-2007; Ord. No. 199B, § 8, 2-20-2008)

Sec. 26-248. - Denial of application.

A permit may be denied based upon a determination that:

- (1) The event would seriously endanger public safety;
- (2) The event would unreasonably inconvenience the general public;
- (3) The event would unreasonably infringe upon the rights of abutting properties;
- (4) The event would conflict with another proximate event or interfere with construction or maintenance work;
- (5) There are not sufficient safety personnel or other necessary city staff to accommodate the event;
- (6) The applicant failed to complete the application form after being notified of the additional information required;
- (7) The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter;
- (8) Other issues in the public interest were identified by the city administrator;
- (9) Failure to prepay expenses;
- (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past 12 months;

(11) The property on which the event is to take place or the owners of the property on which the event is to take place is delinquent in the payment of property taxes, assessments, employment taxes or other financial claims of the city and/or contracted public agencies.

(Ord. No. 199A, § 9, 6-20-2007; Ord. No. 199B, § 9, 2-20-2008)

Sec. 26-249. - Exemption from permit.

The city and its agencies and a school as defined herein shall be exempt from the permit requirements of this chapter.

(Ord. No. 199A, § 10, 6-20-2007; Ord. No. 199B, § 10, 2-20-2008)

Sec. 26-250. - Restrictions on outdoor entertainment events.

- (a) Except as otherwise specifically provided in this article, an "event" for the purposes of this section is defined as any part of (a) one weekend day (a Saturday or a Sunday) between the hours of 9:00 a.m. and 12:00 midnight or (b) two consecutive weekend days between the hours of 9:00 a.m. and 12:30 a.m. and any part of one week day (Mondays through Fridays) between the hours of 9:00 a.m. and 9:00 p.m.
- (b) Outdoor entertainment - commercial. No more than four amplified outdoor entertainment events, no more than eight non-amplified outdoor entertainment events and no more than eight nonprofit/fund raising outdoor entertainment events shall be permitted on any one business site in any one calendar year. Any single event shall be limited to 1,500 attendees.
- (c) Outdoor entertainment - nonprofit. No more than four amplified outdoor entertainment events, no more than eight non-amplified outdoor entertainment events on any one site shall be permitted in any one calendar year. Any single event shall be limited to 1,500 attendees.
- (d) Outdoor entertainment - residential/agriculture. No more than four amplified outdoor entertainment events, no more than four non-amplified outdoor entertainment events and no more than four nonprofit/fund raising outdoor entertainment events on any one site shall be permitted in any one calendar year.
- (e) No outdoor entertainment - commercial or outdoor entertainment - nonprofit shall be held or conducted between the hours of 12:30 a.m. and 9:00 a.m. on weekends or between 9:00 p.m. to 9:00 a.m. on weekdays; notwithstanding any other provision of this article, no outdoor entertainment - residential/agricultural shall be held or conducted between the hours of 9:00 p.m. and 9:00 a.m. on any day of the week.

(Ord. No. 199A, § 11, 6-20-2007; Ord. No. 199B, § 11, 2-20-2008)

Sec. 26-251. - Noise regulation.

Each person who is issued an outdoor entertainment permit shall comply in all respects with Ord. No. 195.

(Ord. No. 199A, § 12, 6-20-2007; Ord. No. 199B, § 12, 2-20-2008)

See following Noise Ordinance.

Sec. 26-252. - Termination of activities.

In the event it is determined by the county sheriff's office or a designated representative of the city that the permittee has violated the terms of this chapter, the county sheriff's office or the city reserves the right to order a cease and desist of any and all activities for the permitted event.

(Ord. No. 199A, § 13, 6-20-2007; Ord. No. 199B, § 13, 2-20-2008)

Sec. 26-253. - Penalty.

Any person who violates any provision of this chapter is guilty of a misdemeanor and shall, upon conviction thereof, be punished according to law. Each act of violation and each day a violation occurs or continues constitutes a separate offense. In all cases the city shall be entitled to collect the costs of prosecution to the extent outlined by law, the rules of criminal procedure, and the rules of court.

(Ord. No. 199A, § 14, 6-20-2007; Ord. No. 199B, § 14, 2-20-2008)

ARTICLE III. - NOISE

Sec. 26-108. - Purpose.

It is the purpose of this article to regulate noise and establish noise standards in the city.

(Ord. No. 195, § 1, 9-7-2005)

Sec. 26-109. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Circulating mobile source means noise which emanates from a mobile source which remains in a close proximity to a single location.

Daytime means those hours from 7:00 a.m. and 10:00 p.m.

Lot maintenance means noise-generating activities which are necessary to the use of residential property, including, without limitation, lawn mowing, snow removal, noncommercial lot clearing, housing maintenance activities, hobby farming, gardening, residential construction (including landscaping, repair, and remodeling), vegetation trimming or removal, and sidewalk, patio, or driveway construction.

Mobile source means noise which emanates from a source that is either in motion or capable of being in motion.

Nighttime means those hours from 10:00 p.m. and 7:00 a.m.

Personal recreational vehicle means a motorized vehicle designed for use by one person, sometimes including a passenger, including, without limitation, vehicles commonly known as off-highway motorcycles, off-road vehicles, snowmobiles, all-terrain vehicles, jet-skis, personal watercraft, motor-cross bikes, motorized dirt bikes, motorbikes, motorcycles, go-carts, motorized gliders, three-wheelers, and four-wheelers.

Residential property means real property used for residential purposes, including all parcels of real property located within the RR residential district under the city zoning ordinance, set forth in Appendix A to this Code.

Stationary source means noise which emanates from a source that remains stationary.

(Ord. No. 195, § 2, 9-7-2005)

Sec. 26-110. - Incorporation of Minnesota noise control rules and standards by reference.

Chapter 7030 of the Minnesota Rules is hereby adopted and incorporated herein by reference. The definitions in section 26-109 are in addition to those set forth in Minnesota Rules, ch. 7030. A violation of the noise standards established in Minnesota Rules, ch. 7030, shall constitute a violation of this article; exceeding either the L10 or the L50 standard for a noise area will constitute a violation.

(Ord. No. 195, § 3, 9-7-2005)

Sec. 26-111. - Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof may be punished as provided in section 1-14 and may be required to complete eight hours of community service for each violation. Violators will be responsible for all costs of prosecution.

(Ord. No. 195, § 4, 9-7-2005)

Secs. 26-112—26-135. - Reserved.



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Please contact **East Bethel City Hall** with any questions in regards to this ordinance.

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