

## CITY OF DELANO

### ORDINANCE 0-13-02

#### **AN ORDINANCE AMENDING CHAPTER 4, PUBLIC PROTECTION AND GENERAL LICENSING OF THE DELANO CITY CODE ESTABLISHING LICENSING REQUIREMENTS FOR OUTDOOR MUSIC EVENTS WITHIN THE CITY OF DELANO**

**THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:**

Section 1. Chapter 4, Public Protection and General Licensing of the Delano City Code is hereby amended to add Section 422.01 as follows:

#### **SECTION 422.01. OUTDOOR MUSIC EVENTS**

**Subd. 1. Major Outdoor Music Events.** All major outdoor (live or recorded) music events shall have a license approved and issued by the City Council. The following criteria shall apply to issuance of a live outdoor music event license:

- A. Any person, organization, business, and/or entity shall be limited to a maximum of six (6) permits per calendar year. No commercial property shall host more than six (6) major outdoor music events in a calendar year. Each permit shall allow a single day event.
- B. The permit applicant must submit a license application, pay a permit fee as set by the City Council by ordinance, and provide information and/or a plan(s) that demonstrates that the site event will comply with the performance standards of this code. The application shall be submitted thirty (30) days prior to a proposed outdoor music event.
- C. The permit applicant must demonstrate that there will be adequate sanitary facilities for the event.
- D. The permit applicant must estimate attendance and demonstrate that there will be adequate security and fencing to control access to the event at the location of the outdoor musical performance.
- E. The permit applicant must have sufficient off street parking. The music event shall not occupy required parking for the principal use of the site.
- F. The outdoor musical performance must not interfere with other commercial and governmental activities or with the quiet enjoyment of residential property.
- G. The stage, performers, speakers and amplifiers are located three hundred feet (300') from any residence/building located in a residential zoning district.

- H. The stage, speakers, and amplifiers are arranged in a design and manner that does not directly broadcast music at or toward a residence/building within three hundred feet (300') of the stage.
- I. Major outdoor music events shall be allowed between May 15 and October 15 and the live outdoor musical performance shall only occur on the dates and during the hours designated by the City Council.
- J. Major outdoor music events shall not perform between twelve (12:00) o'clock midnight and (11:00) o'clock AM.
- K. The volume of the outdoor musical performance must be reasonable and shall not exceed sixty (60) decibels measured at the nearest dwelling unit in a residential zoning district. The permit holder shall comply with all requests of the Sheriff's Department to reduce volumes to mitigate nuisance complaints.
- L. Failure to abide by these standards or the receipt of nuisance complaints may be grounds for denial of future outdoor musical permits for the property.
- M. The owner of the property where the outdoor music event is being held must grant permission and sign the application for the outdoor music event.
- N. Event holders shall provide written notice ten (10) days in advance of the event to the City and all residents located within three hundred fifty (350) feet of the stage speakers or amplifiers. Said notice shall include type of event, date and time of event, and contact information of the event holder.
- O. The City may require proof of insurance for properties where major outdoor music events are to be held.

**Subd. 2. Minor Outdoor Music Event.** An annual permit may be issued by the city council for the operation of outdoor live or recorded music events in a manner that will not unreasonably disturb the peace, quiet, or comfort of adjoining residential neighborhoods. The following criteria shall apply to the issuance of a minor live outdoor music event permit:

- A. The minor outdoor music event permit may only be issued to commercial properties.
- B. The permit shall be issued annually for a calendar year. Minor outdoor music events shall only be allowed between the dates of May 15th to October 15th.
- C. The permit applicant shall provide a calendar that identifies the days in the week when minor outdoor events may occur. The city council, in consideration of the permit, may place limits on the number of minor outdoor music events. Outdoor events beyond the approved calendar shall be prohibited.

- D. Minor outdoor music events shall comply with all the performance setbacks of a major outdoor music event, as outlined in Section 422.01, Subd. 1 of the City Code, except as established herein.
- E. Minor outdoor music events shall not perform between 10:00 PM and 11:00 AM.
- F. The volume of the minor outdoor music performances must be reasonable so as not to be audible at the shared property line with a residentially zoned property not exceeding 60 decibels at the shared property line. The permit holder shall comply with all requests of the Sheriff's Department to mitigate nuisance complaints.
- G. Failure to abide by the standards and conditions of the minor outdoor music event permit or the receipt of nuisance complaints may be grounds for denial or revocation of the minor live outdoor music event permit for a property.

**Subd. 3. Conditions of License Approval.** The City Council may, as a condition of approval of any outdoor music event license, impose additional conditions deemed necessary to mitigate nuisance complaints and protect adjoining properties and/or the quiet enjoyment of residential properties. Such conditions may include but not be limited to:

- A. Restrict the hours of the music event beyond those stated in Section 422.01, Subd. 1.J. or Subd. 2.E. of this Code.
- B. Limit the size of attendance to an outdoor music event.
- C. Limit the volume of music to a standard measured at the adjoining residential properties.
- D. Limit the days of the week for minor live outdoor music events.
- E. Limit amplification or type of instruments for major music events (i.e., prohibit percussion instruments or brass wind instruments).

**Subd. 4. Responsibility of Owner and Licensee.** The property owner and/or licensee of an event shall be responsible to insure that the event activities and participants shall not violate the terms of the license, or violate Delano City Codes.

**Subd. 5. Violations or Complaints.** License violations, nuisance complaints, or code enforcement issues attributed to an event or property holding the event may be grounds for denial of outdoor music event licenses.

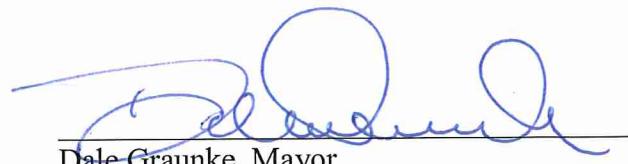
**Subd. 6. Enforcement.** Any violation of this Ordinance or of a license issued pursuant to this Ordinance is subject to enforcement as follows:

- A. If it is a violation that affects the public health, safety and welfare, it is hereby declared a public nuisance, and is subject to all of the enforcement provisions of Chapter 8 of the City Code.
- B. Any violation is grounds for revoking the license or not renewing the license.

C. Any violation shall constitute a misdemeanor and may be prosecuted as such.

Section 2. This ordinance shall be effective immediately upon its passage and publication according to law.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DELANO,  
MINNESOTA THIS 18<sup>th</sup> DAY OF July, 2013.



Dale Graunke, Mayor

ATTEST:

Motion by: Dan Vick  
Second by: Derek Schansberg

  
Marlene E. Kittock, Clerk/Treasurer

Graunke: Aye  
Stolfa: Aye  
Vick: Aye  
Schansberg: Aye  
Russek: Aye