

**CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO. O-15-07

AN ORDINANCE AMENDING DELANO CITY CODE SECTION 422.01 RELATING TO OUTDOOR MUSIC EVENTS.

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

Section 1. Chapter 4 of the Delano City Code is hereby amended by deleting Section 422.01 in its entirety and replacing it with the following:

SECTION 422.01. OUTDOOR MUSIC EVENTS

Subd. 1. Outdoor Live or Recorded Music Events ("Events"). No Event shall occur within the City without obtaining a permit approved and issued by the City Council at least thirty (30) days prior to the event.

Subd. 2. Application and Issuance.

- A. An application for an Event permit shall be submitted along with a permit fee as set by the City Council by ordinance. The application shall provide information and/or a plan(s) that demonstrates that the Event will comply with the provisions of this Section and shall be signed by the owner of the property where the Event is being held evidencing the owner's permission to hold the Event on the property.
- B. The City shall review the application, and upon determination that it is complete, shall inform the applicant of the date and time at which the application shall be considered.
- C. The applicant shall provide written notice at least thirty (30) days' prior to the date on which the application will be considered to all owners and tenants of residential lots located within three hundred fifty (350) feet of all stages, performers, speakers and amplifiers. Said notice shall include the date, time and location at which the application shall be considered, the type, date and time of Event, and contact information of the permit holder.

Subd. 3. Conditions of Permit. The following conditions shall apply to all Event permits:

- A. Events shall have adequate sanitary facilities.
- B. Events shall have sufficient off street parking. The Event parking shall not occupy required parking for the principal use of the site.
- C. Events shall have adequate security and fencing to control access.
- D. Events shall be allowed only between May 15 and October 15.

- E. Events shall not interfere with other commercial and governmental activities or with the quiet enjoyment of residential property.
- F. The stage, performers, speakers and amplifiers shall be located at least three hundred feet (300') from any residence or building located in a residential zoning district and shall be arranged in a design and manner that does not directly broadcast music at or toward any such residence or building.
- G. The volume of the Event shall 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.
- H. Permit holders shall provide written notice ten (10) days in advance of the event to the City and to all owners and tenants of residential lots located within three hundred fifty (350) feet of the stage, performers, speakers and amplifiers. Said notice shall include type of Event, date and time of Event, and contact information of the Event holder.

Subd. 4. Conditions of Permit - Major Event. Major Events are Events with an estimated attendance of more than 20 people. The following conditions shall apply to all Major Event permits:

- A. Any person, organization, business, and/or entity shall be limited to a maximum of six (6) Major Event permits per calendar year. No commercial property shall host more than six (6) Major Events in a calendar year. Each permit shall allow a single day event.
- B. Major Events shall not perform between twelve (12:00) o'clock midnight and (11:00) o'clock AM.

Subd. 5. Conditions of Permit - Minor Event. Minor Events are Events with an estimated attendance of 20 people or fewer. The following conditions shall apply to all Minor Event permits:

- A. Minor Event permits may only be issued to commercial properties.
- B. Minor Event permits shall be issued annually for a calendar year.
- C. Minor Event permit applicants shall provide a calendar that identifies the days in the week when Minor Events may occur. The City Council may place limits on the number of Minor Events. Minor Events beyond the approved calendar shall be prohibited.
- D. Minor Events shall not perform between 10:00 PM and 11:00 AM.

Subd. 6. Conditions of Permit – Additional. The City Council may, as a condition of approval of any Event permit, 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 Event beyond those stated in Subd. 4 or Subd. 5 of this Section.

- B. Limit the size of attendance.
- C. Limit the volume of music to a standard measured at the adjoining residential properties.
- D. Limit the days of the week.
- E. Limit amplification or type of instruments for major music events (i.e., prohibit percussion instruments or brass wind instruments).
- F. Require insurance and proof of such insurance for the Event and the property on which the Event is being held.

Subd. 7. Responsibility of Owner and Permit Holder. The property owner and/or permit holder of an Event shall be responsible to insure that the Event activities and participants shall not violate the terms of the permit or violate the Delano City Code.

Subd. 8. Violations or Complaints. Permit violations, nuisance complaints, or code enforcement issues attributed to an Event or property holding the Event may be grounds for denial of future Event permits for the permit holder and/or the property.

Subd. 9. Enforcement. Any violation of this Section or of a permit issued pursuant to this Section 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 permit.
- C. Any violation shall constitute a misdemeanor and may be prosecuted as such.

THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECTIVE IMMEDIATELY FOLLOWING ITS PASSAGE AND PUBLICATION.

Approved by the Delano City Council on August 18, 2015.


Dale Graunke, Mayor


Attest: Brian Bloch, Finance Director

Motion By: Jack Russek

Seconded By: Holly Schrupp

Graunke: Aye

Stolfa: Aye

Russek: Aye

Franzen: Aye

Schrupp: Aye

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- B. The City shall review the application, and upon determination that it is complete, shall inform the applicant of the date and time at which the application shall be considered.
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