

**CITY OF LEXINGTON  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**ORDINANCE 14-02**

AN ORDINANCE REVISING CITY CODE CHAPTERS 5, 6 AND 10

**Section 1.** The City Council of Lexington does hereby ordain as following changes to Chapters 5, 6 and 10 of the Lexington City Code:

**Existing Code sections related to 6.31 Dances and 6.32 Shows are deleted and repealed in their entirety. A new section 6.31 shall read as follows:**

***SECTION 6.31. Entertainment License***

**Subd. 1. Definitions.** As used in this Section, the following words and terms shall have the meanings stated:

- A. Entertainment Event: Any public or private gathering for a commercial purpose where sound is amplified, or where live music, theater or other public oration occurs.
- B. Annual Entertainment License: An annual license authorizing entertainment events for a single establishment, licensed establishment, or individual business unit at a single address in the City, and as contained within an authorized structure as defined in Chapter 11.
- C. Special Event Entertainment License: A license authorizing entertainment event(s) at a specific location in the City, and for a specific period of days not to exceed three (3) consecutive days. This license is necessary for any entertainment event not specifically authorized by an annual entertainment license.

**Subd. 2. License Required.** It is unlawful to hold an entertainment event, or to maintain sound amplifying equipment outside of a structure, except under an entertainment license from the City. No license shall be required in the following instances:

- A. Events presented in local schools and colleges, or under the sponsorship of such schools and colleges, and primarily for the students thereof only.
- B. Athletic, musical or theatrical events sponsored by local schools or colleges using student talent only.

- C. Events at private homes that do not otherwise meet the requirements of an entertainment event.
- D. Recitals presented in local businesses such as Dance Studios, Music Studios, etc., where the students, parents and/or instructors are providing the performance.
- E. Services held on the grounds of churches or religious organizations.
- F. Athletic events held in City parks and subject to park rules and regulations.

**Subd. 4. Application and License.** Notwithstanding other provisions in the Code of Ordinances, the follow provisions apply as a condition of maintaining a license under this section:

- A. No entertainment license shall be issued to any applicant under the age of eighteen (18) years.
- B. No entertainment license is valid until approved by the Council and the appropriate fees are paid to the City.
- C. Licenses are valid only for the date(s) specified on the license. Annual licenses are valid from July 1st through June 30th of the following year, or pro rata from the date granted through June 30th.
- D. Granting of an entertainment license does not waive enforcement of a city ordinance unless specifically indicated on the license. The city does not have the authority to waive enforcement of a state or federal law or regulation.
- E. A proposed site security and parking plan must be submitted to the Police and Fire Department as part of license application pursuant to this Chapter. A final plan must submitted to these Departments no less than forty-five (45) days prior to issuing the license.
- F. During the entertainment event, the approved site security and parking plan must be conspicuously posted and otherwise available to the Police and Fire Departments.
- G. The Police or Fire Departments have the right to conduct inspections pursuant to this Chapter. They may inspect the premises of an entertainment event, and all property therein. They may do so at any time without a warrant for purposes of evaluating a pending license application, or for any reason once a license is issued pursuant to this Chapter. Failure to allow immediate access to the premises for inspection immediately voids the license or pending application. Licensee is responsible for ensuring compliance with this provision for any of its

employees, contractors, agents and all other persons related to the operation of the entertainment event.

- H. The Police or Fire Departments have the right to immediately suspend any entertainment event or any provision within an entertainment license if they have reason to believe a violation of law has occurred, if a condition of the license has not been met, or for reasons they deem to be in the best interest of public safety or security. Under these limited conditions, no licensee has the right to a hearing before the suspension occurs.
- I. The Council shall act upon all entertainment license applications at a regular meeting within sixty (60) days of the completed application and fee being received at by City staff. Inaction by the Council within this period is a denial of the application.

#### **Subd. 5. Entertainment Event Regulations.**

- A. Sound Level: Sound from a licensed entertainment event must meet the following conditions:
  - a. Sound measured at fifty (50) feet from the source shall not exceed ninety (90) dB(A).
  - b. Sound measured off the property where the equipment is allowed under the license shall never be more than fifteen (15) dB(A) above the ambient noise level.
- B. Hours Of Operation For Licensed Entertainment Events: Sound from an entertainment event may occur between the hours of 9:00 a.m. and 9:00 p.m. unless otherwise approved by the Council and specified in the license.
- C. Entertainment Event Security:
  - 1. Security shall be hired by Licensee.
  - 2. All security personnel shall wear uniforms clearly indicating that they are security for the event (i.e. identifiable uniform colors; security logo located on front and back).
  - 3. Outdoor events require two (2) security personnel for every fifty (50) patrons. For all other events, the police department shall determine the level of security based on the type of event.
  - 4. Licensee must have an approved security plan from the police department before an entertainment license shall be issued by City staff.

- D. Parking: All events must have adequate and clearly marked parking subject to a parking plan approved by the City. Unless otherwise provided by existing signage, licensee shall clearly mark all parking with approved signs and provide adequate personnel hired by the licensee for parking enforcement.
- E. Obscenity: All events under this Chapter shall not contain obscene acts and shall fully conform to the provisions found in Chapter 11.35 regulating adult oriented business and adult uses even if the event or its actors are not a business or the acts do not occur in an establishment regulated by that section.

**Subd. 6. License Revocation.**

- A. At the sole discretion of the City Council or its appointed hearing officer, an entertainment license may be suspended, revoked or cancelled pursuant to Section 6.02, subd. 5, or for the specific conditions found in this Chapter. Reasons for revocation include but are not limited to citizen complaints related to noise, parking, disorderly conduct or other related violations at the establishment. Except in cases of a license suspension enforced by the Police Department or Fire Department as set forth above, no other suspension, revocation or cancellation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The Council may act as the hearing body under that act, or it may appoint a hearing officer to fulfill its duties.
- B. If a license is revoked or voided, another license shall not be issued for a twelve (12) month period.
- C. If a license is revoked or voided, license fees will not be refunded. Under any circumstances, fees for performing background checks or investigations will not be refunded.

**SECTION 6.99. VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as a misdemeanor except as otherwise stated in specific provisions hereof. Failure to obtain a license, permit or any required permission pursuant to this Chapter shall be punished as a misdemeanor. Each day of such failure to comply constitutes a separate offense. Criminal prosecution shall be in addition to any other penalty or enforcement mechanism allowed by law or equity.

**SECTION 5.04. DELINQUENT TAXES AND CHARGES.** No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of a government entity, are owed and are delinquent and unpaid; or if the licensed establishment has failed to comply with other necessary permitting or licensing requirements of a government

entity. Compliance with this section is an ongoing condition of a license issued under this Chapter.

**SECTION 10.23. NOISE AND SPOTLIGHT.**

A. Subd 1. It is unlawful to cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or use a sound amplifier upon streets and public property without prior written permission from the City. Under any circumstances, amplified sound is deemed a public nuisance under the following conditions:

- a. Sound measured at fifty (50) feet from the source shall not exceed ninety (90) dB(A).
- b. Sound measured off of the property where amplification the equipment is allowed under the license shall never be more than fifteen (15) dB(A) above the ambient noise level.

Subd. 2. It is unlawful to use a flash or spotlight in a manner so as to annoy or endanger others.

**Section 2. Effective Date.** This ordinance shall be effective immediately upon its passage and publication of the attached summary according to law.

**Section 3. Summary for Publication.**

**SUMMARY OF ORDINANCE AMENDMENTS**

**TECHNICAL AMENDMENTS:**

A resolution adopting section 6.31 is an entertainment license which replaces the existing sections 6.31 dances and 6.31 shows, as this existing sections are antiquated. Related sections of the code are necessary to implement the new section 6.31. Section 6.99 creates penalties for enforcement of the entertainment license. Section 5.04 creates enforcement mechanism for holders of liquor license. Section 10.23 creates a uniform sound standard for non-commercial entities within the City similar to commercial entities.

**PURPOSE OF PROPOSED AMENDMENTS:**

To preserve, protect and promote public health, safety and the general welfare of the people of the city, and to noise and sound which could be offensive to residents.

**FULL TEXT OF AMENDMENTS AVAILABLE:**

The full text of the amendments are available at the Lexington City Hall, 9180 Lexington Avenue, Lexington, MN 55014. On file with the City Clerk is the original version of the text and the amended version of the text.

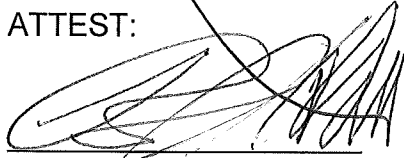
PASSED AND DULY ADOPTED this 1st day of May, 2014 by the City Council of the City of Lexington.



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Mayor

ATTEST:



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City Administrator