

City of Excelsior
Hennepin County, Minnesota

Ordinance No. 644

An Ordinance to Amend Chapter 10, Article XIV and
Section 16-105 of the Excelsior City Code

THE CITY COUNCIL OF EXCELSIOR, MINNESOTA, HEREBY ORDAINS:

SECTION ONE: Amendment. That Chapter 10, Article XIV, section 10-541(b)(3) of the Excelsior City Code be amended as follows:

Special events attracting attendance of less than 50 people provided such events ~~to do~~ not include ~~amplified sound~~, ancillary equipment (such as air supported amusement structures, motorized vehicles, or other equipment that needs to be tethered to the ground or transported to and from the event site via a motorized vehicle - such as food trucks); require a permit from a local, state, or federal agency (including fire code permits issued by the Excelsior Fire District); include the service of alcohol; and are not conducted as part of a commercial enterprise. Nothing in this chapter shall be interpreted to preclude the city from permitting groups of fewer than 50 people to reserve space on city property for special events or from issuing appropriate permits to such groups documenting their right to use the city property.

SECTION TWO: Amendment. That Chapter 10, Article XIV, section 10-544(a) be amended as follows:

- (a) The application for a special event permit shall be made to the event coordinator or their designee no more than 365 days prior to the event.
 - (1) Applications for level 1 special events (50-199 people) shall be submitted no less than 130 days prior to the event unless such event requires staffing of public safety personnel, in which case the application shall be submitted no less than 21 days prior to the event.
 - (2) Applications for level 2 special events (200-1,999 people) shall be submitted no less than 360 days prior to the event.

SECTION THREE: Amendment. That Chapter 10, Article XIV, section 10-547 be amended as follows:

- (a) Policy. A special event policy implementing the requirements of this chapter including the types of special event permits (i.e., parade, special event, street closure, etc.) to be issued and conditions therefor and forms for applying for permits may be adopted and amended from time to time by resolution of the city council.

- (b) Appeals. An applicant contesting the application of this chapter or the policy adopted pursuant to it may appeal to the city council by filing a written appeal stating the reasons the applicant believes the application was erroneous within ten days of the issuance of the decision being appealed. The council shall ~~consider~~ make a determination on the appeal within 30 days of its receipt.
- (c) Variance. An applicant seeking a variance from the requirements of this chapter or the policy adopted pursuant to it may request a variance from the city council by filing an application therefor. Said variance shall be ~~considered~~ approved, approved subject to modification, or denied by the council within 30 days of receiving the application. No variance shall be granted unless the council finds that application of the ordinance would impose an undue hardship upon the applicant and granting a variance would not be contrary to the purpose of this chapter.

SECTION FOUR: Amendment. That Chapter 16, Article III, section 16-105(b) be amended as follows:

- (b) Noises Prohibited Except for Approved Special Events.

(1) Horns, signaling devices. The continual sounding of any horn or signaling device on any automobile, motorcycle or other vehicle for a period of at least 15 seconds even if interrupted by short gaps in sound, on any street, public place or private property within the city shall be prohibited, except as a danger warning. Public notification horns or sirens are exempt.

(2) Radios, amplified sound. The use or operation of any radio, musical instrument, sound amplification system, or other machine or device for the amplification, production or reproduction of sound at a volume exceeding 68 dB(A) when measured from fifty feet away shall be prohibited between the hours of 7:30 a.m. and 9:30 p.m. ~~The use or operation of any radio, musical instrument, sound amplification system, or other machine or device for the amplification, production or reproduction of sound at a volume exceeding 58 dB(A) when measured from fifty feet away shall be prohibited between the hours of 9:30 p.m. and 7:30 a.m. such a volume so as to be plainly audible by any person in all districts of the City other than the B-1 and B-2 Zoning District, at a distance of five feet or more from its source between the hours of 9:30 p.m. and 7:30 a.m. and at a distance of 30 feet or more from its source between the hours of 7:30 a.m. and 9:30 p.m. shall be prohibited.~~

~~(3) Radios, amplified sound, B-1 and B-2 zoning districts. The use or operation of any radio, musical instrument, sound amplification system, or other machine or device for the amplification or reproduction of sound at such a volume so as to~~

~~be plainly audible by any person at the property line of its source shall be prohibited.~~

(34) Amplified sound from a motor vehicle. The use or operation of any radio receiving set, musical instrument or other machine or device for the amplification, production or reproduction of sound within a motor vehicle at a volume where it is audible by any person from a distance of 30 feet from the source shall be prohibited. Where the motor vehicle's owner is present that person is responsible for any violation of this subsection. If the owner is not present, the driver or person in control of the vehicle is responsible for any violation of this subsection.

(45) Loud speakers, amplifiers for commercial advertising. The use or operation of any radio receiving set, musical instrument, loud speaker, sound amplification system or other machine or device for the production or reproduction of sound which is cast upon the public streets from a vehicle or person for the purpose of commercial advertising shall be prohibited, except as may be licensed by the city pursuant to section 16-104 of this article or Chapter 10, Article XXI, Mobile Food Vendors.

(56) Yelling, shouting and the like. Yelling, shouting, hooting, whistling or loud singing where it is audible from the property boundary of the building, structure, residence, or sleeping facility, between the hours of 9:30 p.m. and 7:30 a.m. is prohibited.

(67) Noise made by animals. Noise made by dogs and other animals shall be governed by the provisions of Chapter 6, Animals, section 6-2 Definitions, of this Code.

(78) Defective vehicle, vehicle mufflers, loads or noisy vehicle operation. The non-emergency use or operation of any automobile, motorcycle, scooter, recreational vehicle or other type of motor vehicle, which by its out-of-repair condition, vehicle muffler, manner of loading or operation at such speeds or in such manner as to create loud and unnecessary grating, grinding, squealing of tires, rattling or other noise at a volume where it is audible by any person from a distance of 60 feet from the source shall be prohibited.

SECTION FIVE: Effective Date. This ordinance shall be effective thirty days after publication.

Adopted by the City Council of the City of Excelsior, Minnesota, this 5th day of December, 2022.

Todd R. Carlson, Mayor

ATTEST:

Nalisha Williams, City Clerk

Kristi Luger, City Manager

First Reading of Ordinance:

November 21, 2022

Second Reading and Adoption:

December 5, 2022

Publication of Ordinance:

December 15, 2022

Effective Date:

January 17, 2023