

## ORDINANCE NO. 77

### ORDINANCE DEFINING OFFENSIVE NOISE AND DISORDERLY CONDUCT, PROVIDING REGULATIONS THEREOF, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF BROWNTON DOES ORDAIN AS FOLLOWS:

#### Section 1. OFFENSIVE USE OF SOUND OF AMPLIFYING EQUIPMENT.

It is unlawful for any person, whether in a public or private place, to play or permit to be played any AM/FM radio receiving set, tape player, stereo, phonograph or other machine or device capable of producing or reproducing, amplified sound, from which sound emanates in an offensive manner. It is prima facie evidence that the amplified sound is offensive if it can be clearly heard from a distance of 50 feet. The owner or person in control of a sound producing device shall immediately abate the sound when ordered to do so by a peace officer.

#### Section 2. DISORDERLY CONDUCT.

It is unlawful for any person, in a public or private place, knowing or having reasonable grounds to know, that it will or will tend to alarm, anger, or disturb others or provoke any assault or breach of the peace, or do the following: (1) engage in brawling or fighting; or (2) disturb an assembly or meeting, not unlawful in its character; or (3) engage in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others; or (4) 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; and also including amplification of radio or other sound or signal; or (5) use a flash or spotlight in a manner so as to annoy or endanger others; or (6) strew, scatter, litter, throw, dispose of or deposit and refuse, garbage, or rubbish on to any premises except into receptacles provided for such purpose; or (7) enter any motor vehicle of another without the consent of the owner or operator; or (8) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at the time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

#### Section 3. DISORDERLY CONDUCT ON SCHOOL GROUNDS AND IN SCHOOL BUILDINGS.

Subd. 1. Defacement of School Buildings. It is unlawful for any person to mark with ink, paint, chalk, or other substance, or post handbills on, or in any other manner deface or injure any school building or structure, used or usable for school purposes, or appurtenant to or located on the site of such buildings, or post handbills on such fences, trees or fixtures, or place a sign anywhere on any such site.

Subd. 2. Breach of Peace on School Grounds. It is unlawful for any person to willfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance or improper diversion or activity by which peace, quiet, and good order shall be disturbed.

Subd. 3. Offensive Language and Conduct. It is unlawful for any person to use offensive, obscene, or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger, or resentment in others on any school grounds or in buildings or structures.

Subd. 4. Improper Conduct While School is in Session. It is unlawful for any person to, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of such school while in session. It is also unlawful for any person, not in immediate attendance in such school and being in such building or upon the premises belonging thereto, to conduct or behave himself or herself improperly. It is also unlawful for any person, upon the request of a teacher of such school or the person in charge thereof, to leave said building or premises, to neglect or refuse so to do.

Subd. 5. Loitering. The act of loitering shall be defined as conduct by any person consisting of lounging, sleeping, lurking, lying about, sitting, standing, idly remaining, or any other state or condition without any legal, real, or apparent purpose other than loafing or hanging around. Loitering as defined herein, on any public street, sidewalk, alley, thoroughfare, school grounds, or in any school buildings or structure, or other public way is hereby declared a nuisance and is hereby prohibited.

#### Section 4. DISORDERLY CONDUCT – NOISY PARTIES.

Subd. 1. It is unlawful for any person or persons to congregate on any private lands because of, or participate in any party or gathering of people from which noise emanates of a sufficient volume or of such nature as to disturb the peace, quiet, or repose of other persons. Any owner or person in lawful possession or control of such private lands who has knowledge of the disturbance and fails to immediately abate said disturbance shall be guilty of a violation of this section.

Subd. 2. It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in any party or gathering of people in the absence of, the owner of said private lands being present, without first having obtained written permission from the landowner or other person in lawful possession of such private lands. Such written permission shall at all times be in the possession of one or more persons at the site of such congregation. The document containing the written permission must bear the signature of the landowner and date of the permitted use. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner.

Subd. 3. A violation of Subdivision 1 or 2 of this section shall give a peace officer the authority to order all persons present, other than persons identifying themselves as the owner or person in lawful possession or control of such land, to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a peace officer shall be guilty of a violation of this section.

Section 5. PENALTIES. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment in accordance with the law.

Section 6. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Brownton.

Adopted by the City Council of the City of Brownton, Minnesota, this 3rd day of February, 2000.

Brian J. Hagen, Mayor

ATTEST: Cynthia Lindeman, City Clerk