

**LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA**

ORDINANCE NO. 229

**AN ORDINANCE AMENDING THE LAKE MINNETONKA
CONSERVATION DISTRICT CODE OF ORDINANCES
REGARDING NUISANCES AND LIQUOR RESTRICTIONS**

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT ORDAINS:

Article I. Expanding Nuisance. Chapter III, Section 3.01, Subdivision 23, of the Lake Minnetonka Code of Ordinances is hereby amended by adding the double-underlined material and deleting the ~~stricken~~ material as follows:

Subd. 23. Public Nuisances on Watercraft. It shall be unlawful for any person to commit or engage in any conduct which constitutes a public nuisance on the Lake or to allow or permit any person to commit or engage in any conduct which constitutes a public nuisance on any watercraft owned or operated by said person while the watercraft is on the Lake.

a) Public Nuisances Defined. For the purposes of this section, public nuisances shall include the following:

- 1) fighting or brawling;
- 2) using offensive, obscene or abusive language;
- 3) engaging in loud, noisy or boisterous conduct;
- 4) engaging in lewd or lascivious conduct offensive to public decency or indecent exposure;
- 5) using lights in a manner which annoys, frightens or endangers others;
- 6) violating curfew; and
- 7) engaging in any other conduct which unreasonably disturbs the peace, quiet or repose of others.

b) Loud Noise Defined. For the purpose of this section, loud, noisy or boisterous conduct shall, at a minimum, include any noise or sound, however produced, which;

1) exceeds the levels established by the Minnesota pollution control agency when measured from any property abutting the Lake; ~~In addition, any noise or sound which unreasonably annoys others shall constitute a violation of this section.~~

2) unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person; or

3) unreasonably interferes with or precludes the use or enjoyment of property, or negatively affects property value.

Article II. Quiet Hours Established. Chapter III, Section 3.01 of the Lake Minnetonka Code of Ordinances is hereby amended by adding a subdivision 26 as follows:

Subd. 26. Quiet Hours. Between the hours of 10:00 p.m. and 7:00 a.m. no person shall use or operate, or permit the use or operation, of any device, equipment, or instrument designed or used for sound production, reproduction, or amplification including, but not limited to, a radio, television, stereo, tape player, compact disk player, MP3 player, digital recording player, phone, loud speaker, public address system, sound amplifier, musical instrument, or other sound producing or amplification system for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. The use of any such device, equipment, or instrument between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 150 feet shall be prima facie evidence of a violation of this subdivision.

Article III. Liquor Restrictions. Chapter IV, Section 5.30 of the Lake Minnetonka Code of Ordinances is hereby amended by adding the double-underlined material and deleting the ~~stricken~~ material as follows:

Section 5.30. Restrictions on Purchase and Consumption.

Subd. 1. Age Misrepresentation. No minor shall misrepresent his or her age for the purpose of obtaining ~~beer~~ an alcoholic beverage.

Subd. 2. Inducing Purchase. No person shall induce a minor to purchase or procure ~~beer~~ an alcoholic beverage.

Subd. 3. Procurement. No person, other than the parent or legal guardian, shall procure ~~beer~~ an alcoholic beverage for any minor.

Subd. 4. Possession. No minor shall have ~~beer~~ an alcoholic beverage in his or her possession with the intent to consume it at a place other than the household of his or her parent or guardian. Possession at a place other than the household of the parent or guardian creates a rebuttable presumption of intent to consume it at a place other than the household of the parent or guardian. This presumption may be rebutted by a preponderance of the evidence.

Subd. 5. Consumption. No minor shall consume ~~beer~~ an alcoholic beverage unless ~~in~~ the consumption occurs with the consent ~~company~~ of his or her parent or guardian and within the household of the parent or guardian.

Subd. 6. Liquor Consumption and Display. No person shall consume or display any ~~intoxicating liquor~~ alcoholic beverage on the premises of a licensee who is not also licensed to sell ~~intoxicating liquors~~ alcoholic beverages or who does not hold a consumption and display permit.

Article IV. Effective Date. This ordinance shall be effective the day following its publication or a summary thereof.

Adopted this 10th day of August, 2016.

BY THE BOARD OF DIRECTORS

/s/ Jay Green
Jay Green, Chair

ATTEST:

/s/ Gregg Thomas
Gregg Thomas, Secretary

Date of Publication: 8/23/16

Effective Date: 8/24/16