

1ST READING: 4/27/90
REFERRED TO (NAME OF COMMITTEE): PS&RS
PUBLIC HEARING:
2ND READING AND FINAL PASSAGE: 5-11-90

AN ORDINANCE of the CITY OF MINNEAPOLIS

Campbell

presents the following ordinance:
Amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating
to Offenses-Miscellaneous: Noise.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Section 389.70 of the above entitled ordinance be amended to read as follows:

389.70. Construction equipment. (a) Except as hereinafter provided, no pile driver, jackhammer or other construction equipment shall be operated within the city between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or during any hours on Saturdays, Sundays and state and federal holidays, except under specific permit from the director of inspections or the city council as provided below and no such equipment shall be operated at any time if the sound level from such operation exceeds ninety (90) decibels; provided further, however, that such equipment, the operation of which conforms to the maximum allowable sound levels as prescribed in section 389.60 may be operated during the above-prohibited hours and days. When any of the above-named equipment is used for any purpose other than construction, the ambient noise levels of section 389.60 shall apply.

(b) No internal-combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as above set forth in this section and any sound emitted from any such engine or power unit shall not exceed eighty-six (86) decibels measured along any property line.

(c) No exhaust system of such an internal-combustion engine shall be altered, modified or repaired in such a way that the noise emitted by the engine is increased above that emitted by said engine as originally equipped from the manufacturer.

(d) If an emergency situation exists or if the director of inspections determines that loss or inconvenience would result to any party in interest unless allowed additional hours of equipment operation, the director may grant permission for extended hours of operation of such construction equipment and internal-combustion engine or power units subject to such conditions or restrictions as the director determines to be necessary or appropriate and in the public interest.

(e) The fees for an extended hours-of-operation permit issued pursuant to paragraph (d) hereof, shall be twenty-five dollars (\$25.00) per day, with a minimum charge of fifty dollars (\$50.00). The fee for an extended hours-of-operation permit for a public works project, issued pursuant to paragraph (f) hereof, shall be determined by the director of inspections as a lump sum fee based upon the estimated duration of the project. Permits should be obtained in advance of the proposed extended hours of operation. If the permit has not been applied for in advance, the fee will be doubled for the days of operation prior to the date of application if the permit is issued.

(f) Upon its determination that the expeditious construction, repair or rehabilitation of any highway, road or bridge or other public infrastructure necessitates the operation of pile drivers, jackhammers, engines, power units or any other construction equipment after 6:00 p.m. or before 7:00 a.m. on weekdays, or on Saturdays, Sundays or state or federal holidays, the city council may direct the director of inspections to issue to the applicable public authority and its contractors an extended hours of operation permit, and the council shall specify the days and hours that such operations are to be permitted, the type of equipment that may be operated and the location of the permitted operations. The permit shall require the parties to whom the permit is issued to notify the city council member of any affected ward as to when such operations are to be carried out in that ward. When issued, such permit shall be deemed to be only a variance of the restricted hours of operation specified in paragraph (a) of section 389.70 and shall not be

deemed to vary any of the other requirements and restrictions of this section, nor to impose additional restrictions on equipment operations which are otherwise in conformance with this section and section 389.60 of this code.

(g) In connection with the demolition and reconstruction of the Broadway Street Northeast/Central Avenue Northeast bridge over Burlington Northern railroad tracks in northeast Minneapolis to be undertaken by the Minnesota Department of Transportation, its contractors and subcontractors, construction equipment may, subject to the other provisions of this section, be operated as follows:

- (1) The Minnesota Department of Transportation must notify the affected city council member as to when the work is to be performed so that residents adjacent to the project site can be notified at least two (2) weeks prior to work being done.
- (2) During the demolition operations of the existing bridge, construction equipment, including internal combustion engines and power units, but excluding jackhammers, concrete drills, and concrete milling machines may be operated at any time of the day or night during weekdays and from 7:00 a.m. to 12:00 midnight on Saturdays, Sundays, and state and federal holidays.
- (3) During the demolition operations of the existing bridge, concrete milling machines may be operated at any time of the day or night during weekdays and from 7:00 a.m. to 6:00 p.m. on Saturdays, Sundays, and state and federal holidays.
- (4) During the demolition operations of the existing bridge, jackhammers and concrete drills may be used and operated from 7:00 a.m. to 11:00 p.m. on any day of the week.
- (5) During the construction operations of the new bridge structure, construction equipment may be operated between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays, Sundays, and state and federal holidays.

This paragraph (g) is intended only as a variance of the permitted hours of operation of construction equipment, internal combustion engines and other power units set forth in paragraphs (a) and (b) of this section 389.70 and is not intended as a variance of any other requirements of this section, nor is it intended to impose any additional restrictions on the operation of such equipment when such operation is otherwise in conformance with this section and Minneapolis Code of Ordinances, section 389.60.

(h) In connection with the asphalt overlay work on Interstate 94 between Lowry Hill Tunnel and eastern city limits to be performed by the Minnesota Department of Transportation, its contractors and subcontractors, construction equipment may, subject to the other provisions of this section, be operated as follows:

- (1) The Minnesota Department of Transportation must notify the affected city council members of the affected wards as to when the work is to be performed so that residents adjacent to the project site can be notified at least five (5) days prior to work being done.
- (2) During the execution of this project, construction equipment including internal combustion engines and power units, bituminous and concrete milling machines, asphalt paver and associated compaction devices, tandem and semitractor trailer dump trucks, but excluding jackhammers, may be operated at any time of the day or night between the hours of 7:00 p.m. on Friday to 5:00 a.m. the following Monday. Jackhammers may be operated on Saturdays and Sundays during the hours of 8:00 a.m. to 10:00 p.m.

This paragraph (h) is intended only as a variance of the permitted hours of operation of construction equipment, internal combustion engines and other power units set forth in paragraphs (a) and (b) of this section 389.70 and is not intended as a variance of any other requirements of this section, nor is it

intended to impose any additional restrictions on the operation of such equipment when such operation is otherwise in conformance with this section and Minneapolis Code of Ordinances, section 389.60.

Section 2. That the Section 389.180 of the above entitled ordinance be amended to read as follows:

389.180. Heavy vehicles. (a) No person shall operate, nor shall its owner permit the operation of, a heavy vehicle, or any auxiliary device attached to or required for the operation of said vehicle, on any trafficway in such a manner that it emits noise at levels in excess of the limits specified in Table B-1, B-2 or B-3 as applicable.

(b) From 6:00 a.m. to 10:30 p.m. on weekdays and 7:00 a.m. to 6:00 p.m. on Saturdays and state and federal holidays, the prohibitions of this section shall not apply to the operation of heavy vehicles in connection with the following:

- (1) The excavation or construction of Interstate Highway I-94 from State Trunk Highway #12 to the northern city limits;
- (2) The reconstruction of the Third Avenue Bridge over the Mississippi River;
- (3) The reconstruction of the Hennepin Avenue Bridge over the Milwaukee Road railroad tracks near West Twenty-ninth Street;

provided, however, that if any such vehicle exceeds the applicable noise level limits prescribed by this section while operated on Saturdays or state and federal holidays, or on weekdays from 6:00 a.m. to 7:00 a.m. and 6:00 p.m. to 10:30 p.m., such vehicle may be operated only on such truck routes as are designated by the director of inspections. For this purpose the director of inspections shall, upon such applications as he may prescribe, designate the itinerary to and from the construction site so as to minimize disturbances from vehicular noise without unnecessarily increasing the distances to be traveled.

TABLE B-1
NOISE LEVEL LIMITS FOR HEAVY VEHICLES
EFFECTIVE BETWEEN JANUARY 1, 1972 AND
DECEMBER 31, 1973

Posted Speed Limit	Time Periods When Applicable	Measurement Distance		
		20 Feet	25 Feet	50 Feet
35 MPH or less	Daytime	94 db(A)	92 db(A)	86 db(A)
	Evening	92	90	84
	Night	81	79	73
	Holiday			
	Sunday			
More than 35 MPH	All	94	92	86

TABLE B-2
NOISE LEVEL LIMITS FOR HEAVY VEHICLES
EFFECTIVE AFTER JANUARY 1, 1974

Posted Speed Limit	Time Periods When Applicable	Measurement Distance		
		20 Feet	25 Feet	50 Feet
35 MPH or less	Daytime	92 db(A)	90 db(A)	84 db(A)
	Evening	92	90	84
	Night			
	Holiday			
	Sunday			
More than 35 MPH	All	92	90	84

TABLE B-3
NOISE LEVEL LIMITS FOR HEAVY VEHICLES
OPERATED IN MINNEAPOLIS ON OR AFTER
JANUARY 1, 1977

Posted Speed Limit	Time Periods When Applicable	Measurement Distance		
		20 Feet	25 Feet	50 Feet
35 MPH or less	Daytime	83 db(A)	81 db(A)	75 db(A)
	Evening	75	73	67
	Night			
	Holiday			
	Sunday			
More than 35 MPH	All	83	81	75

RECORD OF COUNCIL VOTE (OR DELEGATE VOTE)													
COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	NOT VOTING	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Dziedzic	X						Scallon	X					
Campbell	X						Niemiec	X					
Hilary	X						Cramer	X					
Rainville	X						Schulstad	X					
Cherryhomes	X						Johnson	X					
Coyle	X						President	X					
Scott	X						Sayles Belton	X					

PASSED MAY 11 1990 DATE APPROVED ~~NOT APPROVED~~ ~~REJECTED~~ MAY 17 1990 DATE

Steve Sayles
PRESIDENT OF CC

John Haver
MAYOR

ATTEST *Merry Keefe*
CITY CLERK