

2008-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Gordon

Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection by adding a new Chapter 59 relating to Construction Activities.

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

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 59 to read as follows:

CHAPTER 59. Construction Activities

59.10. Purpose. The purpose of this chapter is to protect the public health and the environment by reducing the effects to the public and environment from construction activities.

59.20. Definitions. The following terms whenever used in this article shall have the following respective meanings:

Abrasive blasting is the cleaning or preparation of a surface by forcibly propelling a stream of abrasive material against a surface. It is also the appropriate term for but not limited to the following activities: bead blasting, sand blasting, sand carving, soda blasting, shot blasting, pressure washing, wet abrasive blasting, hydro blasting, vacuum blasting, and dry abrasive blasting.

ASTM was originally known as the American Society for Testing and Materials and is an international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials, products, systems, and services.

Construction activity includes abrasive blasting, temporary crushing, demolition, maintenance, site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures with the use of construction equipment, maintenance equipment and temporary crushing equipment.

Construction equipment is any powered vehicle, powered device or mobile device used to supply power used for construction activities or to transport equipment, materials, supplies or debris to or from a construction site. Such equipment includes but

is not limited to backhoes, bobcats, bulldozers, compressors, cranes, dump trucks, front end loaders, generators, hammer drills, jackhammers, mobile crushers, pressure washers, sand blasters, and any maintenance equipment.

Construction site is the property where the construction activity is taking place.

EPA shall mean the United States Environmental Protection Agency.

HUD shall mean the United States Department of Housing and Urban Development.

Lead based paint is defined as 1 milligram per squared centimeter (1 mg/cm²) which can be measured using a portable XRF or laboratory analysis, or 5,000 micrograms per gram (µg/g) which can only be measured by laboratory analysis.

Maintenance equipment is any equipment or device rated at more than five (5) horsepower and used for the repair of buildings and structures, or the maintenance of buildings, structures or properties.

Temporary crushing activities include the crushing, grinding, pulverizing or milling of razed or demolished buildings, structural materials, roadway or other similar materials when performed in an open area by use of portable crushing machinery.

Temporary crushing equipment is any powered vehicle or powered device used for the purposes of crushing, grinding, pulverizing or milling of razed or demolished buildings, structural materials, roadways or other similar materials.

XRF shall mean X-ray fluorescence analyzer used to provide rapid, non-destructive testing of lead and other metal alloys.

59.30 After hours work permit required. (a) Operation of construction equipment without a permit is allowed only on Monday through Friday from 7:00 a.m. to 6:00 p.m., not including federal holidays. Operation of construction equipment outside of these hours and days without a permit from the assistant city coordinator for regulatory services or their designee is prohibited.

(b) The fees for an after hours work permit issued pursuant to paragraph 59.30(a) shall be established in the director's fee schedule pursuant to section 91.70. The fee for an after hours work permit for a Department of Public Works project, other government agency project or projects of their agents shall be as established in the director's fee schedule pursuant to section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for an after hours work permit must provide a general notice of their activity to all occupants where the construction activity will occur and to the building owners and their tenants of all adjacent properties. The notice must include

contact information for the party performing the construction activity, brief description of the proposed work, intended dates and times and identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and phones outside of Minneapolis.

(d) Applications for an after hours work permit shall be in such form as prescribed by the Department of Regulatory Services. A copy of the written notice required by 59.30(c) must be submitted with the permit application.

(e) Exemption from permit requirements:

- (1) A property owner or tenants of a residentially used property may conduct construction activities on their residentially used property on Saturdays, Sundays and federal holidays from 9 a.m. – 6 p.m.;
- (2) A party using construction equipment in an enclosed and insulated building that does not share a common wall with another building or occupant; or
- (3) A project for which the city engineer has determined 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 and has so certified in writing

59.40. Temporary crushing permit required. (a) No person may begin operation of temporary crushing activities except under specific permit from the assistant city coordinator for regulatory services or their designee.

(b) The fees for a temporary crushing permit issued pursuant to paragraph 59.40 (a) shall be established in the director's fee schedule pursuant to section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for a temporary crushing permit must provide a general notice of their activity to all occupants where the construction activity will occur and to the building owner and their tenants of all adjacent properties. The notice must include contact information for the party performing the construction activity, a brief description of the proposed work, the intended dates and times and must identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and phones outside of Minneapolis.

(d) A permit shall not be issued for the operation of temporary crushing equipment unless the following requirements as applicable are met:

- (1) The performance standards in chapters 46, 47, 48, 50, 117 and 389 of the Minneapolis code of ordinances; and state rules and statutes as determined applicable by the assistant city coordinator for regulatory services or their designee when issuing the wrecking permit required by section 117.10 of this code;
- (2) Materials crushed, ground, pulverized or milled must originate on the site where the temporary crushing activity is occurring unless the assistant city coordinator for regulatory services or their designee determines that it is to the public benefit to transport to an off site location.
- (3) Temporary crushing activities shall not exceed one hundred twenty (120) consecutive calendar days from the date of issuance of a required permit; and
- (4) A temporary sign, three (3) feet by four (4) feet, indicating the name, address and telephone number(s) of the person(s) or agent(s) of the company conducting the temporary crushing activities shall be placed within ten (10) feet of all public rights-of-way adjacent to the project site. The company conducting the temporary crushing activities shall ensure that an agent responsible for the activities being conducted is available on site or by phone on a twenty-four (24) hour basis.

(e) Applications for temporary crushing permit shall be in such form as prescribed by the department of regulatory services. A copy of the written notice required by 59.40(c) must be submitted with the permit application.

59.50. Abrasive blasting permit required. (a) No person shall abrasively blast the interior or exterior of any building, structure, or other architectural surface except under specific permit from the assistant city coordinator for regulatory services or their designee.

(b) The fees for an abrasive blasting permit issued pursuant to paragraph 59.50(a) shall be as established in the director's fee schedule pursuant to section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for an abrasive blasting permit must provide forty-eight (48) hours in advance a general notice of their construction activity to all occupants of the building, structure or architectural surface where the construction activity will occur and to all building owners and their tenants within a 75 foot radius of the building, structure or architectural surface to be abrasively blasted. The notice must include contact information for the party performing the construction activity, brief description of the proposed work, intended dates and times and identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and outside Minneapolis.

(d) All painted surfaces to be abrasively blasted must be tested for lead content following EPA, HUD or ASTM protocols.

(e) All abrasive blasting activity shall meet the following performance standards:

- (1) Standards established in Chapters 46, 47, 48, 50, and 389 of this Code;
- (2) Standards established in Minnesota Rule Part 7025 if laboratory analysis indicates the presence of lead based paint;
- (3) Dust generated by the activity must be contained on site; and

(f) Applications for an abrasive blasting permit shall be in such form as prescribed by the department of regulatory services. A copy of the written notice required by 59.50(c) and analytical results required by 59.50(d) must be submitted with the permit application. If analytical results as required by 59.50(d) are not submitted with the application, the permit will not be issued until the city has tested the painted surface.

(g) In the event the applicant cannot perform the abrasive blasting on the scheduled date(s) contained in the application the applicant shall provide notification to environmental services, the owners of the property, and as required in 59.50(c)(3) twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting operation.

59.60. Rejection, modification, or denial of a permit request. A permit request submitted under 59.30, 59.40 or 59.50 may be rejected, modified or canceled if:

- (1) The construction activity may cause unreasonable noise, dust or odor interfering with the property use(s);
- (2) The construction activity may cause unreasonable noise, dust or odor interfering with adjacent property use(s); or
- (3) Violations of City Ordinance have occurred from similar construction activities where the permit is requested or by the applicant within the past year.

59.70. On site suspension and or modification of a permitted construction activity. A permit issued under authority of 59.30, 59.40 or 59.50 may be modified or suspended by the Minneapolis Police or the assistant city coordinator for regulatory services or their designee if:

- (1) The construction activity is causing unreasonable noise, dust or odor interfering with the property use(s);

- (2) The construction activity cause unreasonable noise, dust or odor interfering with adjacent property use(s);
- (3) The construction activity is a violation City Ordinance; or
- (4) The construction activity is in violation of conditions of the permit.

59.80. On site suspension of unpermitted construction activity. Construction activity that would require a permit under authority of 59.30, 59.40 or 59.50 may be ordered to be suspended by the Minneapolis Police or by the assistant city coordinator for regulatory services or their designee if a valid permit for the construction activity is not present on site for review.

59.90. Violations of this code. (a) Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a), 1.40 and Chapter 2 of this Code.

(b) License revocation. Any owner or operator of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

(c) Each day of failure to obtain a permit or maintain compliance with an issued permit constitutes a separate violation of this Code.