



Request for City Council Committee Action from the Department of Regulatory Services

Date: April 14, 2008

To: Council Member Scott Benson, Chair Health, Energy and the Environment Committee
Referral to: Public Safety & Regulatory Services Committee

Subject: City of Minneapolis Code of Ordinances Chapters 47 – Minneapolis Air Quality Management Authority amendments.

Recommendation:

That your committee adopt proposed amendments to the Minneapolis Code of Ordinances, Title 3 - Air Pollution and Environmental Protection, Chapter 47 "Minneapolis Air Quality Management Authority."

That your committee delete and remove from the Minneapolis Code of Ordinances, Title 3 - Air Pollution and Environmental Protection, Chapter 49 "Abrasive Blasting."

Previous Directives: NA

Prepared by/Presenters in Committee: Lori Olson, Deputy Director, Environmental Management & Safety and Jennifer Tschida, Environmental Inspector

Approved by: Burt Osborne, Director, Licenses & Environmental Management

Permanent Review Committee (PRC) Approval _____ Not Applicable **Policy Review Group (PRG)** Approval Date of Approval Not Applicable

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase (in 2007 Budget proposal).
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

- Neighborhood Notification
- City Goals
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information Attached

Regulatory Services and the City Attorneys Office have partnered to review and amend as necessary the sections of the Minneapolis Code of Ordinances that are enforced by the Department of Regulatory Services.

This request for Council action involves Chapter 47 "Minneapolis Air Quality Management Authority" in Title 3 - Air Pollution and Environmental Protection. Chapter 47 is being recommended for amendment to remove unnecessary and outdated ordinance language and to adopt the most current State of Minnesota Air Rules.

In 2007 Environmental Management and Safety began the process of amending Chapter 47 with a thorough review of the existing ordinance, review of Minnesota State Statutes and rules, research of other local government air quality ordinances throughout the nation, and legal discussions with City Attorneys.

The existing Chapter 47 was enacted by the City Council in May 1999 by adopting the 1997 Minnesota State Air Rules. State air rules have since been amended and updated several times. Each chapter adopted in 1997 is now outdated and/or repealed making it problematical for City inspectors to enforce rules based on 2007 standards and technology.

Specifically, the proposed ordinance amendments include:

- Renaming the chapter to *Chapter 47 – Air Pollution*
- Adopting the most current Minnesota State Rules and removing specific sections of the existing ordinance
- Removing definitions that are included in the State Rules
- Creating Section 47.200: Regulating commercial and industrial spray painting
- Creating Section 47.210: Regulating coffee roasters
- Identifying the Department of Regulatory Services as the enforcement authority
- Adding violation text to include administrative fines

Added to the Code in the 1960s, Chapter 49 – *Abrasive Blasting* is being deleted because it was not removed when Chapter 47.240 – *Abrasive blasting permit required* was added to the Code. Chapter 49 is outdated and duplicative of the language in 47.240.

The proposed amendments have been reviewed by the Citizens Environmental Advisory Committee (CEAC) and the City's Environmental Coordinating Team (ECT).