

# Toolkit for Neighbors of New Construction

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City of Minneapolis

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## Contents

Introduction .....	3
Who's who in City government when it comes to construction? .....	3
Zoning Administration .....	3
Construction Code Services .....	3
Development Review .....	4
Public Works .....	4
Traffic Control .....	4
Environmental Services.....	5
Before Construction Begins .....	5
Research the Project and Developer/Builder .....	5
Attend the Pre-Construction Meeting .....	6
Document Everything .....	7
Construction Management Issues .....	7
Noise and After-Hours Work Permits .....	7
Anti-Idling Ordinance .....	8
Dumpsters.....	9
Portable Toilets.....	9
Project Duration.....	9
Other Common Nuisances .....	10
Complaints .....	10
If You Experience Property Damage .....	11
After Construction is Complete .....	11
Repairing Curbs, Gutters and Streets .....	11
Repairing Sidewalks .....	12
Welcoming New Neighbors .....	12
Useful Links and Documents.....	13

## Introduction

This Toolkit was created in April 2014 in response to multiple requests from residents who wanted to know their rights when it came to residential construction nearby.

This is intended to be a living document that will be edited as ordinances or procedures change.

We welcome your feedback. Please direct any comments about this document to Steve Poor, Director of Development Services, at [steve.poor@minneapolismn.gov](mailto:steve.poor@minneapolismn.gov).

## Who's who in City government when it comes to construction?

The City of Minneapolis set a new record for construction building permits in 2013. At year end, the total number of building permits issued in 2013 was 12,100, with the valuation of over \$1.211 billion. 2014 was the third year in a row that the City had more than \$1 billion in construction approved since 2000, and 2015 will likely hit \$1 billion as well.

It takes an interdepartmental team across many City departments to handle all of this development. The purpose of this section is to shine a light on which departments are responsible for administering and/or enforcing various ordinances related to residential construction. Note that regardless of which jurisdiction your concerns fall under, it's always best to contact 311 rather than any of the departments below. This will ensure your concerns are monitored and have a tracking number; one that you can follow if you choose. Entering a concern into 311 *and* reporting it directly to the department only creates duplicate work requests that take time to sort through.

### Zoning Administration

Zoning is a division within the department of Community Planning and Economic Development. The primary function of Zoning Administration in the city is to administer and enforce the regulations of the city's Zoning Code. This includes providing information about zoning regulations, reviewing documents and plans for compliance with the Zoning Code, and assisting applicants with requests to vary the Zoning Code and request for rezoning of a land parcel. Zoning Inspectors who work in the field verify that new construction complies with the city's Zoning Code and that the final project is built to the plans submitted and approved by the City.

### Construction Code Services

Construction Code Services (CCS) is a division within Community Planning and Economic Development.

CCS is comprised of three business lines: Plan Review, Construction Inspections, and Programs.

- Plan Review staff examine and approve construction plans before a permit is issued. Plan Review staff compare the application and submitted plans to the required building codes and coordinate with other city requirements to ensure the proposed plan meets all applicable building codes.

- Construction Inspections includes building, plumbing, mechanical and elevator inspections. Construction Inspectors also oversee dust control during demolition. Construction projects have required inspections that need to be completed at different stages of the project. CCS has dedicated inspectors who monitor and enforce the Construction Management Agreement.
- The Programs division administers special projects such as Truth-in-Sale of Housing (TISH) sales, code compliance for vacant builds, and annual elevator inspections.

Note that Minnesota State Building Code is the standard for construction statewide. The State Code is adopted and enforced by cities and townships, including Minneapolis. Only the fire code can be locally amended with more stringent provisions. Minnesota's residential code was adopted in January 2015. It consists of the 2012 International Residential Code as published by the International Code Council and the amendments to that document located in chapter 1309.

### Development Review

Development Review is a division within the department of Community Planning and Economic Development. Development Review's Customer Service Center assists customers with the issuance of Building Permits, Remodel Permits, Wrecking Permits, rental licenses, and business licenses. The Customer Service Center is located at 250 South 4<sup>th</sup> Street, Room 300.

### Public Works

Public Works is the largest department within the City of Minneapolis. Public Works oversees a number of areas related to construction:

- Erosion & Sediment Control Permit/Plan Approval
- Stormwater Management Plan Approval
- Street Use Permits (for access to the City's Right of Way)
- Sidewalk Inspections (for snow and ice, as well as structural issues)

### Traffic Control

The Minneapolis Traffic Control Unit is a division of the Regulatory Services Department. Traffic Control Agents also provide the following services:

- Tagging and having towed illegally parked vehicles, such as those blocking driveways.
- Removal of abandoned vehicles, including unattached trailers.
- Enforce all non-moving violations on city streets.
- Provide enforcement support during street cleaning and snow emergencies.

Traffic Control can cite dumpsters with expired permits, as well as require that dumpsters and construction vehicles be moved during snow emergencies.

## Environmental Services

Environmental Services is a division of the Minneapolis Health Department and is responsible for addressing pollution in Minneapolis. The division responds to complaints, carries out investigations in the City of Minneapolis, and enforces environmental codes related to noise, air pollution, and water. Environmental Services issues After-Hours Construction Work permits.

## **Before Construction Begins**

There are a number of steps you can take to gain some familiarity with the construction activities near your house, and to protect yourself in the case of property damage.

### Research the Project and Developer/Builder

Is the work permitted?

Permit information can always be obtained by visiting Minneapolis PropertyInfo at <http://www.minneapolismn.gov/propertyinfo/index.htm>. Once you enter the address and get a result, click on "Inspection Permits" on the left and then click on "All." All permitted work can then be viewed by individual permit number.

How will the home be laid out?

If you'd like to see a site plan, call the contractor or developer and request to see the design.

Are you concerned about the setback of the new home in relation to your property?

Ask to see a copy of the land survey for the new construction site. A land survey is performed for the purpose of locating, describing, monumenting and mapping the boundaries and corners of a parcel of land. It may also include mapping of the topography of the parcel, and the location of buildings or other improvements upon the parcel. A land survey would define the dimensions of your lot and show whether any of your property is encroaching upon an adjacent parcel. Compare the survey to the stakes that the surveyor placed in the ground. If the survey looks incorrect, you have the right to hire your own land surveyor to confirm that the property lines have been marked correctly. Survey costs range from about \$250-\$800 depending on how many measurements are taken.

How will I know who is doing the project?

Prior to any work done on the construction site, a contractor sign will be installed identifying the developer and contractor company name, contact name and current accessible phone numbers for each person identified, the address of the project, and a contact number for the City of Minneapolis to report problems.

How can I learn more about the developer?

Once you know the name of the developer, do some research online. What other houses have they built? What features are commonly seen in the developer's residential projects? What have the developer's clients said about the developer? What about neighbors of those projects?

The State of Minnesota Department of Labor and Industry has the authority to license and regulate building contractors and remodelers. Are there any licensing actions or complaints that have been filed against this builder with the State of Minnesota Department of Labor? Check their history at <http://www.dli.mn.gov/cld/Enforcement.asp>

What else should I know?

Familiarize yourself with the [Construction Management Agreement](#) so that you know what to expect from the contractor.

### **Attend the Pre-Construction Meeting**

Prior to any construction work on the project site, developers are required to hold an informational meeting with neighbors within 350 feet of the construction site at least five calendar days prior to construction. Notification of the meeting with neighbors shall be mailed at least fifteen calendar days in advance of the meeting date. The meeting must be held within 3 miles of the permit site.

Attending this meeting is highly recommended. Topics discussed must include hours of operation, after-hours work requests to use construction equipment, construction schedule (demolition, excavation, deliveries, concrete work, and completion date), drainage plan, erosion and sediment control, dumpster location, noise mitigation, dust control, portable bathroom location, debris removal schedule, site placement for materials, equipment, idling regulations, etc. The Contractor is required to maintain the meeting notice, agenda, sign-in sheet and other documentation to confirm the meeting requirements are met.

Be sure to bring a list of questions to ask. For example, when will materials be delivered so that the noise doesn't disrupt the neighbors? How can work be coordinated so that trucks don't block the street any more than necessary? Who is going to take responsibility for shoveling the snow from the sidewalk? Make sure that whatever information is communicated to the neighbors is also being communicated to the subcontractors. For example, the developer may say that workers' vehicles will comply with snow emergency rules. Has the developer conveyed that to his or her subcontractors? Keep in mind that subcontractors work in many municipalities and aren't familiar with the rules of each, despite how apparent and familiar those rules may seem to neighbors.

You may also receive a letter if a home will soon be razed (the meeting notification and the wrecking notification may be in the same letter). For the sake of consistency with the Construction Management Agreement and to ward off further questions from non-adjacent neighbors regarding impending wreckings, we amended our Construction Management Agreement in June 2015 to require that companies performing excavation work provide written notification to owners of property within 350 feet no later than 10 days before the date of excavation.

## Document Everything

In the event of damage to your property that may be caused by the nearby construction activity, it is in your best interest to have evidence showing how your property looked before the construction began.

Photograph “before” conditions in the exterior and interior of your home. Include photos of the area between your home and your neighbors’. Take photos from the alley as well. If you can show where the water flows during a rain storm, even better.

## **Construction Management Issues**

Construction Management Issues can be temporary nuisances or permanent conditions. This guide can assist in instructing you how to report any issues that require follow up from City officials.

As a general note, be sure to write down and date every conversation you have with the builder or her subcontractors and the outcome of those conversations.

Log any concerns into 311. For City inspectors, 311 is a very useful tool to gauge where construction hot spots are and where to devote the most resources. The 311 log also goes to the ward office every week.

## Noise and After-Hours Work Permits

Construction/demolition is allowed 7:00 a.m. to 6:00 p.m., Monday through Friday.

An After-Hours Work Permit is required for any construction work *involving power equipment* being done Monday through Friday outside the hours of 7:00 a.m. to 6:00 p.m. or anytime on Saturday, Sunday, or holidays. This includes some landscaping work (e.g. Bobcats moving earth).

- Note: A property owner with a valid rental license, tenants, or a property owner occupying a habitable residentially-used property may conduct construction activities on their residentially used property without an After-Hours work permit on weekdays from 7:00 a.m. to 8:00 p.m.; and on Saturdays, Sundays and holidays from 9:00 a.m. to 6:00 p.m. Additionally, anyone using construction equipment in an enclosed and insulated building that does not share a common wall with another building or occupant may work without an After-Hours Work Permit.

For more information on After-Hours Work Permits, please visit:

[http://www.minneapolismn.gov/environment/permits/environment\\_after-hours](http://www.minneapolismn.gov/environment/permits/environment_after-hours).

The City recommends that anytime a neighbor hears excessive construction noise outside of allowable hours, do one of the following:

- Dial 311 (or file a complaint online at [http://www.minneapolismn.gov/environment/environment\\_complaint](http://www.minneapolismn.gov/environment/environment_complaint)). Note that starting in June 2014, 311 will be open on Saturdays and Sundays from 8:00 a.m. until 4:30 p.m.
- If the incident is particularly extreme (e.g. repeat offender, jackhammering at 5:00 a.m.), call 911 and ask that the police fill out a report.

- **IMPORTANT NOTE:** Whenever possible, take photos, audio or video of the incident (they must be time- and date-stamped, either on the photo or in the file data).
  - When entering a complaint into 311, be sure to indicate that photo/video/audio evidence is available, and include your contact information. If the police filled out a police report, note that as well.

When reported, Environmental Services will follow up with the builder and, whenever possible and warranted, issue a citation. Environmental Services responds to individual complaints but also conducts weekend sweeps of the neighborhood to get out ahead of complaints. Additionally, they look closely at repeat offenders, so the more complaints that exist the better the chances that the builder will be cited.

### Anti-Idling Ordinance

The City of Minneapolis restricts idling of cars and gas-powered vehicles to no more than three minutes in a one-hour period. Another portion of the ordinance limits idling of buses, trucks and other diesel engine-powered vehicles to no than five minutes in a one-hour period.

Some of the exceptions to the portion of the ordinance restricting idling of trucks, buses and other commercial diesel engine-powered vehicles to no than five minutes in a one hour period include:

- Vehicles stopped in traffic.
- Vehicles loading or unloading cargo may idle up to 30 minutes in any 60 minute period.\*
- Police, fire, ambulance, public safety or other emergency or law enforcement vehicles being used in an emergency capacity or training mode (not for the convenience of the vehicle operator).
- Vehicles operating defrosters, heaters or air conditioning to prevent a safety or health emergency (not for rest periods).
- Idling needed to diagnose repair needs.
- Idling needed during vehicle inspections.
- Vehicles may idle if the engine must be running to power work-related mechanical operations (e.g., running pumps, operating lifts, processing cargo, refrigeration, etc.).\*
- Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine shall not be precluded under this chapter.

The City recommends that anytime a neighbor witnesses excessive idling, dial 311 or enter a request into the 311 system online at <http://www.minneapolismn.gov/311/online/index.htm>. Environmental Services will send an inspector whenever possible.

\* Take note of these exceptions. Many times, construction trucks are idling legally because they are pumping concrete or unloading construction materials.

## Dumpsters

A street use permit is required when placing a dumpster or storage unit in the street or public right-of-way. Effective June 1, 2007, only Minneapolis-licensed Solid Waste Haulers, Wrecking Contractors or storage container companies may obtain Street Use Permits.

Dumpsters using the public right of way must:

- Have a valid permit displayed on the side
- Be covered when not in use, and the area around them shall be neat and orderly
- Comply with snow emergency rules
- Be parked 5' from driveways and 30' from intersections
- Be delivered and removed only during approved hours of operation

## Portable Toilets

No portable toilets may be placed on a public street, sidewalk, or boulevard area without obtaining an Encroachment Permit from the department of Public Works. If you see a portable toilet in a public area, you have a right to ask to see the contractor's permit. If no permit exists, dial 311 or file a complaint [online](#).

## Project Duration

Many construction projects are completed in phases. Weeks may go by with no work being done at the site. There are, however, rules that dictate how long a project can take.

City of Minneapolis ordinance [MCO 89.165](#) requires the exterior of a home be completed within one year of issuance of the permit. State building code states that a construction permit is valid as long as the project has measureable progress towards a successful completion measured every 180 days:

Subp. 9.

Time limitation of application.

An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Subp. 10.

Validity of permit.

The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.

Subp. 11.  
Expiration.

Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.

### Other Common Nuisances

Workers do not have a right to trespass on your property. If they need land to store equipment or secure a ladder, they must figure out how to do that without encroaching on adjacent property unless they have obtained your permission. There is a City of Minneapolis trespassing ordinance, but in order for the Minneapolis Police Department (MPD) to enforce the trespassing ordinance a property owner (or their representative) must authorize the MPD to do so. The Minneapolis Police will enforce no trespassing only on properties that are posted with the MPD-authorized "No Trespassing" sign. You may request an official sign through the Minneapolis Police Department:

[http://www.ci.minneapolis.mn.us/www/groups/public/@mpd/documents/webcontent/convert\\_280668.pdf](http://www.ci.minneapolis.mn.us/www/groups/public/@mpd/documents/webcontent/convert_280668.pdf).

The [Crime Prevention Specialist](#) for your area will provide you with up to two signs that you can place in your yard or windows. If a construction worker trespasses, you can call 911 and the MPD will be summoned to enforce the ordinance.

You have a right to refuse the use of your utilities for nearby construction. If a contractor needs water or power, he or she can find a source elsewhere (but know that one potential alternative is that a generator is run).

Radio playing is allowed during authorized work hours, but you have a right to ask for the volume to be turned down.

No one has a right to throw a soda bottle on your lawn. Contractors are responsible for cleaning up their job sites at the end of each work day. You have a right to complain to the contractor if workers are disrespecting your property.

### Complaints

The contractor is required to maintain a log of all complaints and comments received by the contractor/developer while permits are open. The contractor must also document all resolutions to complaints.

Many people fear that complaining directly to the contractor will only worsen the situation. This is false. If you don't wish to confront a subcontractor directly, call the developer whose contact information is posted on the sign at the development. The developer must also accept responsibility for the actions of his/her subcontractors. If the developer is not resolving the issue, please call 311 or file a complaint to [311 online](#). Remember that under Minnesota statute, the identities of individuals who register

complaints with government entities about violations of state laws or local ordinances concerning the use of real property are classified as confidential data.

## If You Experience Property Damage

If you experience property damage that you know or suspect was caused by construction activities nearby, contact an attorney for assistance. Disputes between private developers and property owners are civil matters and the City generally does not intervene in private disputes. Again, be sure to document everything inside and outside of your property, as well as any conversations.

In certain cases (particularly those involving personal safety), it may be appropriate to contact the Minnesota Department of Labor and Industry, which may intervene in cases related to consumer protection. Read more about their Consumer Complaint program at <http://www.doli.state.mn.us/CCLD/RBCComplaint.asp>.

## After Construction is Complete

Contractors are responsible for all damage done to public infrastructure. Public Works is responsible for inspecting sites to verify that sidewalks, curbs, gutters and streets are left in the proper condition.

### Repairing Curbs, Gutters and Streets

For work that impacts a city street, curb or gutter, the process generally works as follows:

1. A contractor gets a permit for a utility connection to the street (usually water and sewer, gas, electric and telecom). The permit allows the work to be done, and **also provides for the proper street restoration by City Street Maintenance crews** (including costs).
2. The contractor performs the utility connection and the work is inspected by the City.
3. The utility trench is backfilled by the contractor, and the work is inspected by the City.
4. Then, in most cases, the utility trench is patched temporarily (sometimes including curb) with asphalt by the contractor.
5. The City is informed (through the permitting process) that the work has been completed.
6. The City Street Maintenance Division schedules the repair work and performs the permanent trench repair to the street, followed usually by the permanent concrete curb and gutter replacement.

Note: Repair work by City crews is rarely done on a case-by-case basis. Rather, repair work is done on a systematic basis by geographic area. Consequently, repair work by City crews generally does not happen immediately after the work by a contractor. Work is generally done within a current construction season, but in some cases will not be completed until the following year.

## Repairing Sidewalks

The property owner (whether residential or commercial) is responsible for the permanent repair of any and all public sidewalks damaged during construction.

At the time of permitting, Utility Connection Inspections (a division of Public Works) informs the property owner that the cost of permanent public sidewalk repair is the property owner's responsibility. Further, Utility Connection Inspections provides the property owner with the phone number for Sidewalk Inspections so that the property owner can call and ask for further information.

When the construction is complete, Public Works is notified by the Building Official through an automated email of pending Final Inspections (Certificate of Occupancy). A Public Works inspector is then sent to inspect the sidewalk and sign-off on issuance of the Certificate of Occupancy. Note that Certificates of Occupancy are issued only for new construction projects, not projects classified as renovations.

Note that Public Works does allow temporary asphalt patching of the public sidewalks if the underlying soils have been saturated or otherwise disturbed by construction. The reason is that the area where the work was done usually will settle, even if the proper soil compaction has been done after the work has been completed. The contractor is responsible for this temporary asphalt patching, and this cost will be paid by the property owner.

If a temporary patch has been installed, Public Works will allow this temporary asphalt patching to remain for up to a year, at which time the sidewalk is flagged for re-inspection by Public Works. If a permanent sidewalk has not been laid by that point, the property owner can hire a private sidewalk contractor to make permanent repairs, or, the permanent sidewalk repairs can be performed by Public Works and assessed to the property owner.

## Welcoming New Neighbors

Once all the dust has settled and the property has sold, the buyers will move into their new home and become your neighbors. Keep in mind that they may have moved to Minneapolis from out of the state or country. They may never have seen the property when it was under construction, or when the previous home stood there. They will likely have no awareness of any difficulty or annoyance that the construction of their home caused to neighbors.

Try to avoid taking your frustrations out on the people who have chosen to live on your block. They chose your neighborhood because of its desirability, and they are now members of your community, trying their best to handle the stress of moving and perhaps familiarizing themselves with a new city. Establishing positive neighborly relations now can prevent further frustrations down the road.

## Useful Links and Documents

Download 311 iPhone and Android apps here:

<http://www.minneapolismn.gov/311/index.htm>.

Construction Management Agreement:

<http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/wcms1p-130342.pdf>

Environmental Services-related ordinances (noise, dirt, idling, etc.):

[http://www.ci.minneapolis.mn.us/environment/environment\\_ordinances](http://www.ci.minneapolis.mn.us/environment/environment_ordinances)

2014 Infill Housing Text Amendment:

<http://www.ci.minneapolis.mn.us/cped/WCMS1P-127384>

The proposed Conservation District Ordinance:

<http://www.minneapolismn.gov/newsroom/WCMS1P-132650>

City of Minneapolis Zoning Code:

[http://www.ci.minneapolis.mn.us/zoningmaps/zoning\\_code\\_index](http://www.ci.minneapolis.mn.us/zoningmaps/zoning_code_index)

Minnesota State Building Code:

<http://www.dli.mn.gov/cclD/Codes.asp>