

2008-Or-___

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Gordon

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 Section 389.10 (h) of the above-entitled ordinance be amended to read as follows:

389.10. Findings.

(h) Certain short term easing of noise restrictions is essential to allow the ~~construction,~~ maintenance and continuation of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the city.

Section 2. That Section 389.15 of the above-entitled ordinance be amended to read as follows:

389.15. Incorporation by reference. Minnesota Rules, Chapter 7030, and A Guide to Noise Control in Minnesota, as adopted and revised from time to time by the Minnesota Pollution Control Agency ~~is are~~ hereby incorporated by reference, ~~except to the extent specifically inconsistent with this chapter, and made a part hereof as if fully set forth herein.~~ The provisions thereof shall be supplemental to provisions of the Minneapolis Code of Ordinances and shall not preempt such provisions unless such preemption is required by law into this chapter and made a part hereof.

Section 3. That Section 389.20 of the above-entitled ordinance be and is hereby repealed:

~~**389.20. Other remedies preserved.** The provisions of this article shall be in addition to and shall not disturb either the right of the city, if such, or the right of individuals affected by the violation, to pursue any other remedy for the abatement of a nuisance, or any other remedy which might or could be available under the law.~~

Section 4. That Section 389.30 of the above-entitled ordinance be amended to read as follows:

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

~~*Ambient noise level:* The sound level which exists at a point of measurement in the absence of the sound from the noise source of which is measured, being the total effect of all other sounds coming from near and far. The total of all noise in the environment, other than the noise from the source of interest. This term is used interchangeably with background noise.~~

~~*ANSI:* The American National Standards Institute.~~

~~*Attenuation:* The reduction of sound intensity by various means (e.g., air, humidity porous materials).~~

~~*A-weighted sound level:* A measure of sound pressure level designed to reflect the acuity of the human ear, which does not respond equally to all frequencies. The ear is less efficient at low and high frequencies than at medium or speech-range frequencies. To describe a sound containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dB(A). The A-weighted sound level is also called the noise level. Sound level meters have an A-weighting network for measuring A-weighted sound level. The specific weighting characteristics and tolerances are those given in American National Standards Institute S 1.4-1983, section 5.1.~~

~~*Audible:* Heard or perceived by the human ear.~~

~~*Background noise:* The total of all noise in a system or situation, independent of the presence of the desired signal. In acoustical measurements, strictly speaking, the term "background noise" means electrical noise in the measurement system. The term background noise is often used to mean the noise in the environment, other than the noise from the source of interest.~~

~~*Band:* Any segment of the frequency spectrum.~~

~~*Calibrator (acoustical):* A device which produces a known sound pressure on the microphone of a sound level measurement system, and is used to adjust the system to standard specifications.~~

~~*Central business district:* The geographic area bounded by and including the Mississippi River southeasterly to Interstate 35; Interstate 35 southerly to Interstate 94; Interstate 94 westerly and northerly to Glenwood Avenue; Glenwood Avenue easterly to North Ninth Street; North Ninth Street northerly to Second Avenue North, and Second Avenue North to the Mississippi River.~~

~~*Commercial power maintenance equipment:* 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, excluding "outdoor implements" as defined and regulated by section 389.80.~~

~~*Continuous:* Continuing without intermission and seemingly without end.~~

~~*Construction:* Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.~~

Construction equipment: Any vehicle or device used for the purposes of construction, or used to transport equipment, materials, supplies or debris to or from a construction site, including, but not limited to a jackhammer, hammerdrill, bulldozer, dump truck, front end loader, bobcat, crane or backhoe.

~~*Cycles per second:* A measure of frequency numerically equivalent to hertz.~~

~~*Daytime:* Those hours from 7:00 a.m. to 10:00 p.m. of the same day.~~

~~*dB(A):* Composite abbreviation for decibel and A-weighted sound level. The weighted sound pressure level by the use of the A metering characteristic and weighting specified in ANSI Specification of Sound Level Meters, S1.4-1983. dB(A) is used as a measure of human response to sound.~~

dB(C): Composite abbreviation for decibel and C-weighted sound level.

~~*Decibel:* A unit of sound pressure level, abbreviated as dB.~~

~~*Demolition:* Any dismantling, destruction or removal of buildings, structures, roadways or other similar structures.~~

~~*Demolition equipment:* Any vehicle or device used for the purposes of demolition, or used to transport equipment, materials, supplies or debris to or from a demolition site.~~

~~*Disturbing, excessive or offensive noise:* Any sound or noise conflicting with the criteria or levels set forth in this article.~~

~~*Equivalent A-weighted sound level (Leq):* The constant sound level that, in a given time period, would convey the same sound energy as the actual time-varying A-weighted sound level.~~

~~*Hearing:* The subjective human response to sound.~~

~~*Hearing level:* A measured threshold of hearing at a specified frequency, expressed in decibels relative to a specified standard of normal hearing. The deviation in decibels of an individual's threshold from the zero reference of the audiometer.~~

Hertz (Hz): Unit of measurement of frequency, numerically equal to cycles per second.

~~*Impact sound:* The sound produced by the collision of two (2) solid objects. Typical sources are footsteps, dropped objects, etc., on an interior surface (wall, floor, or ceiling) of a building.~~

~~*Impulsive noise:* Impulsive noise means a sound of short duration, usually one second or less with abrupt onset and rapid decay. Impulsive noises include but are not limited to metal impacts, hammers, gunshots, explosions, and drop forge impacts.~~

~~*Intensity:* The sound energy flow through a unit area in a unit time.~~

~~*L10:* The sound level, expressed in dB(A), which is exceeded ten (10) percent of the time for a one hour survey, as measured by test procedures approved by the commissioner of the Minnesota Pollution Control Agency.~~

~~*L50:* The sound level, expressed in dB(A), which is exceeded fifty (50) percent of the time for a one hour survey, as measured by test procedures approved by the commissioner of the Minnesota Pollution Control Agency.~~

~~*Leq:* Equivalent continuous sound level or time-averaged sound level. A single-number value that expresses the time-varying sound level for the specified period as though it were a constant sound level with the same total sound energy as the time-varying level.~~

~~*Large block event:* A large block event as defined and limited in Chapter 455 of this Code.~~

~~*Level:* The logarithm of the ratio of a quantity to a reference quantity of the same kind. The base of the logarithm, the reference quantity, and the kind of level must be specified.~~

~~*Logarithm:* The exponent that indicates the power to which a number must be raised to produce a given number. For example, for the base ten (10) logarithm, used in acoustics, two (2) is the logarithm of one hundred (100).~~

~~*Loudness:* The subjective judgment of intensity of a sound by humans. Loudness depends upon the sound pressure and frequency of the stimulus. Over much of the frequency range it takes about a threefold increase in sound pressure, a tenfold increase in acoustical energy, or, ten (10) dB(A) to produce a doubling of loudness.~~

~~*Loudness level:* Measured in phones it is numerically equal to the median sound pressure level (dB) of a free progressive one thousand (1,000) Hz wave presented to listeners facing the source, which in a number of trials is judged by the listeners to be equally loud.~~

~~*Masking:*~~

- ~~1. The process by which the threshold of audibility for a sound is raised by the presence of another (masking) sound.~~

2. The amount by which the threshold of audibility of a sound is raised by the presence of another (masking) sound.

~~*Masking noise:* A noise that is intense enough to render inaudible or unintelligible another sound that is also present.~~

~~*Medium:* A substance carrying a sound wave.~~

~~*Mobile refrigeration unit:* A refrigeration chiller powered by an auxiliary engine or electric motor that is mounted on a truck body or a trailer container for the purpose of providing chilled air to the contents of the truck container or trailer.~~

~~*Nighttime:* Those hours from 10:00 p.m. to 7:00 a.m.~~

~~*Noise:* Any sound which is unwanted, or does not occur in the natural environment (e.g., aircraft, highways, industrial, commercial, residential), or has an erratic, intermittent, or statistically random oscillation.~~

~~*Noise area classification or noise classification area:* The noise area classifications are based on the land use activity at the location of the receiver and determine the noise standards applicable to that land use activity unless an exception applies. The noise area classifications, activities and exceptions are included in Minnesota Rules, Chapter 7030, administered by the Minnesota Pollution Control Agency, except where specifically altered herein.~~

~~*Noise level:* The sound level. For airborne sound, unless specified to the contrary, it is the A-weighted sound level.~~

~~*Noisy or unruly assembly:* For the purposes of sections 389.65(c)(1) and 389.65(c)(2) 389.65(a)(1) and 389.65(a)(2), the term "noisy or unruly assembly" shall mean a gathering of more than one person in a residentially zoned or used area or building between the hours of 10:00 p.m. and 6:00 a.m. whose noisy or illegal conduct would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area considering the time of day and the residential character of the area. Noisy or unruly assemblies may include, but are not limited to, those involving excessive noise, obstruction of public ways by crowds or vehicles, consumption of alcohol by minors, provision of alcohol to minors, fighting, disturbing the peace, disorderly conduct, littering, and public urination or defecation.~~

~~*Non-impulsive noise:* All noise not included in the definition of impulsive noise.~~

~~*Octave:* The interval between two sounds having a frequency ratio of two (2). There are eight (8) octaves on the keyboard of a standard piano.~~

~~*Peak sound pressure:* The maximum absolute value of the instantaneous sound pressure in a specific time interval. Note: In the case of a periodic wave, if the time interval~~

~~considered is a complete period, the peak sound pressure becomes identical with the maximum sound pressure.~~

~~*Person:* Any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing.~~

Points of habitation: Any point inside a dwelling and any deck, patio, or other outdoor area that contains seating or cooking areas designed for the use of the occupants and within thirty (30) feet of the adjoining dwelling. Outdoor areas are a point of habitation only during the period between April 15 and November 15.

~~*Property line:* The real or imaginary line and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person and separates real property from the public premise.~~

~~*Premise:* Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements, owned or controlled by a person.~~

Publicly owned and controlled property: Any land owned and controlled by a government or quasi-government agency including, but not limited to, the City of Minneapolis, Minneapolis Park and Recreation Board, Minneapolis School Board, Hennepin County, State of Minnesota, Metropolitan Sports Commission, University of Minnesota, and the United States of America.

Pure tone: A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch.

~~*Reasonable and necessary actions:* Those actions that would firmly convince a reasonable person that the frequency and severity of future noisy or unruly assemblies, as defined in this section and applied in section 389.65 of this Code, would be substantially reduced.~~

Residentially used area: Any building or portion thereof designed or used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings without regard to their size or location within the city plus any area within five hundred (500) feet of such building or portion thereof which is so used. Residentially used area shall include any mixed use building which contains a dwelling unit as defined in section 522.40 of this Code plus any area within five hundred (500) feet of such dwelling unit. Residentially used area shall not be established by the locations of buildings which are principally hotels, motels, or rooming houses.

~~*Residentially zoned area:* Any property or area which is located in a zoning district intended for any kind of residential use and with an "R" designation of any kind pursuant to the Minneapolis Zoning Code and the associated official zoning map.~~

~~*Reverberation:* The persistence of sound in an enclosed space, as a result of multiple reflections, after the sound source has stopped.~~

~~*Shielding:* The attenuation of a sound, achieved by placing barriers between a sound source and the receiver.~~

~~*Sound:*~~

- ~~1. An oscillation in pressure, stress, particle displacement, particle velocity, etc., in an elastic or partially elastic medium, or the superposition of such propagated alterations.~~
- ~~2. An auditory sensation evoked by the oscillation described above. Not all sound waves can evoke an auditory sensation (e.g., ultrasound).~~

~~*Sound level:* A quantity measured with a sound level meter and expressed in decibels. The weighted sound level meter and frequency weighting network, such as A, B, C as specified in ANSI specifications for sound level meters (ANSI S1.4-1983, or the latest approved revision). If the frequency weighting employed is not indicated, the A-weighting is implied.~~

~~*Sound level meter:* An instrument or combination of instruments, which meets or exceeds the requirements for a type S1A or S2A sound level meter as specified in American National Standards Institute specification for sound level meters S1.4-1983, or its latest revision. It is comprised of a microphone, amplified, output meter, and frequency-weighting networks which is used for the measurement of noise and sound levels.~~

~~*Sound pressure level:* In decibels, means twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure to the reference pressure. The reference pressure shall be twenty (20) micronewtons per square meter.~~

~~*Spectrum:* The description of a sound wave's resolution into its components of frequency and amplitude.~~

~~*Steady-state sound:* Sounds whose average characteristics remain relatively constant in time. A practical example of a steady-state sound source is an air conditioning unit.~~

~~*One-Third (1/3) octave band:* A frequency band whose cutoff frequencies have a ratio of 2 to the one-third power, which is approximately 1.26. The cutoff frequencies of 891 Hz and 1112 Hz define the 1000 Hz third-octave band in common use.~~

~~*Threshold of audibility:* The minimum sound pressure level at which a person can hear or detect a specified frequency of sound over a specified number of trials.~~

~~*Threshold of pain:* The minimum sound pressure level of a sound outside the ear that will produce a transition from discomfort to definite pain.~~

~~*Tone:* A sound of definite pitch. A pure tone has a sinusoidal wave form which changes from discomfort to pain.~~

~~*Vibration:* An oscillatory motion of solid bodies described by displacement, velocity, of acceleration with respect to a given reference point.~~

~~*Wave:* A disturbance that travels through a medium by virtue of the elastic properties of that medium.~~

~~*Wavelength:* For a periodic wave (such as sound in air), the distance between analogous points on any two (2) successive waves. The wavelength of sound in air or in water is inversely proportional to the frequency of the sound.~~

~~*Weighting.* Prescribed frequency filtering provided in a sound level meter.~~

~~*Windscreen.* A porous device used to cover the microphone of a sound level measurement system which is designed to minimize the effects of winds and wind gusts on the sound levels being measured. Typically made of open cell polyurethane foam and spherically shaped.~~

Section 5. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.45 to read as follows:

389.45. Measurement of noise levels. All sound level measurements shall be taken using written procedures approved by the assistant city coordinator of regulatory services or the assistant city coordinator's designee. The written procedures shall conform to applicable law and shall be made available to the public upon request.

Section 6. That Section 389.60 of the above-entitled ordinance be amended to read as follows:

389.60. What constitutes violation. (a) ~~During the daytime within a multi-tenant building, multi-unit dwelling or such structures that have more than one (1) tenant, lease holder or legal residence, any activity, not expressly exempted by section 389.50 or this section which generates sound regardless of frequency that is more than ten (10) decibels (A scale) above the ambient noise level when measured within the unit occupied by the complainant. All measurements applying to the above shall be made indoors with the doors closed, and within the unit occupied by the complainant. Activities generating sound that is ten (10) dB(C) Leq or more above the ambient noise level during the daytime or five (5) dB(C) Leq or more above the ambient noise level during the nighttime when measured within a building occupied by the~~

complainant. All measurements pursuant to this subsection shall be made using the C-weighted network, and taken indoors with the doors and windows closed, and within the unit occupied by the complainant. If separation of low frequency noise cannot be determined with the meter using dB(C) and low frequency tones are clearly audible, a sound level measurement in terms of one-third (1/3) octave band frequencies shall be utilized. If this approach is required, a ten (10) dB(C) increase over ambient levels in any one-third (1/3) octave band due to the amplified music shall be considered a violation of this chapter.

~~(b) During the nighttime within a multi-tenant building, multi-unit dwelling or such structures that have more than one (1) tenant, lease holder or legal residence, any activity not expressly exempted by section 389.50 or this section which generates sound regardless of frequency that is more than five (5) decibels (A) scale above the ambient noise level when measured within the unit occupied by the complainant. All measurements applying to the above shall be made indoors with the doors closed, and within the unit occupied by the complainant.~~

~~(e)(b) Any sound measured outside in excess of the limits as set forth in Minnesota Rules, Chapter 7030 provided that such sound is five (5) dB(A) or more above ambient noise levels for sounds measured during the daytime or three (3) decibels or more above ambient noise levels for sounds measured during the nighttime.~~

~~(d) Sound in excess of the limitations for any noise classification area, as determined pursuant to paragraph (c), as measured in that noise classification area, are a violation of this section, whether the sound originates in that noise classification area or any other noise classification area. The noise area classification of the receiving noise classification area rather than that of the generating noise classification area determine the appropriate noise area classification for the purposes of this section. Measurement of sound must be made at or within the applicable noise area classification at the point of human activity which is nearest to the noise source. All measurements shall be made outdoors.~~

~~(e)(c) Sounds emanating from the operation of the following are exempt from the provisions of this section and section 389.65(a):~~

- ~~(1) Motor vehicles on traffic ways of the city.~~
- ~~(2) Aircraft in flight.~~
- ~~(3) Outdoor implements, such as power lawn mowers, leaf blowers, snow blowers, power hedge clippers and power saws.~~
- ~~(4) Pile drivers, jackhammers, cranes, scrapers, dump trucks, backhoes, bulldozers and other construction equipment.~~
- (5) Official athletic activities at outdoor stadiums owned or operated by the University of Minnesota or the Minnesota Ballpark Authority.

- (6) Lawful and properly permitted organized athletic activities on school grounds, and officially designated playgrounds used for recreation by children under supervision, and parks or places wherein athletic contests take place between the hours of ~~8:00~~ 7:00 a.m. and ~~9:00~~ 10:00 p.m.
- (7) Rail traffic.
- (8) Repairs and maintenance of utility structures when the utility structures pose a clear and immediate danger to life or health or significant loss of property, and the repairs and maintenance are necessary for the safety and commercial vitality of the city.
- (9) Sounds created by bells, chimes, carillons or sounds associated with religious worship no more than ten (10) minutes in any one hour and no more than sixty (60) minutes in a 24-hour period, between the hours of 7:00 a.m. and 10:00 p.m.
- ~~(f) (10) Sounds emanating from amplifying equipment that is in full compliance with a permit issued pursuant to section 389.105 are exempt from the provisions of this section.~~

~~(g) At no point on the boundary of a residence or business district shall the sound pressure level of any operation within the I1, I2, I3 districts, or any use regardless of present zoning which is first a permitted use in the I1, I2, I3 districts, exceed the decibel limits in the octave bands designated below:~~

TABLE INSET:

Maximum Permitted Sound Level (decibels) —		
Octave Band Frequency (cycles per second)	Along Residence District Boundaries	Along Business District Boundaries
0—75	72	79
75—150	67	64
150—300	59	66
300—600	52	59
600—1200	46	53
1200—2400	40	47
2400—4800	34	41
Over 4800	32	39

~~(h)(d)~~ No noise shall be prohibited or restricted under the authority of this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:

- (1) In furtherance of a compelling governmental interest.
- (2) The least restrictive means of furthering that compelling governmental interest.

(3) Consistent with Article I, Section 16 of the Minnesota Constitution.

(i)(e) No noise shall be prohibited or restricted under the authority of this section which substantially limits speech unless such a prohibition or restriction:

- (1) Serves a significant governmental interest as applied in a particular case.
- (2) As applied in the particular case there are other ample alternative channels for communication of the information.
- (3) Application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.

Section 7. That Section 389.65 of the above-entitled ordinance be amended to read as follows:

389.65. Prohibited acts Public nuisance noise. (a) ~~It shall be unlawful for any person to make, continue, permit, or cause to be made or continued within the city, any loud, disturbing or excessive noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.~~

~~(b) The characteristics and conditions which shall be considered in determining whether a noise is loud, disturbing, or excessive for the purposes of paragraph (a) of this section, shall include, but not be limited to the following:~~

- ~~(1) Whether the nature of the noise is usual or unusual.~~
- ~~(2) Whether the origin of the noise is natural or unnatural.~~
- ~~(3) The proximity of the noise to sleeping facilities.~~
- ~~(4) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received.~~
- ~~(5) The time of day or night when the noise occurs.~~
- ~~(6) The duration of the noise.~~
- ~~(7) Whether the noise is recurrent, intermittent, or constant.~~
- ~~(8) Whether the noise is produced by a commercial or noncommercial activity.~~
- ~~(9) Whether or not noise abatement measures are possible and whether or not they are used to reduce the sound level.~~

~~(10) The number of people and their activities that are affected by the noise.~~

~~(11) The sound peak pressure level of the noise on the A scale, if known.~~

~~(12) The A scale level of ambient noise, if known.~~

~~(13) The nature of any communicative content of the noise shall not be considered, for the purpose of this section, except:~~

~~a. No noise shall be prohibited or restricted by this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:~~

~~1. in furtherance of a compelling governmental interest.~~

~~2. the least restrictive means of furthering that compelling governmental interest.~~

~~3. consistent with Article I, Section 16 of the Minnesota Constitution.~~

~~b. No noise shall be prohibited or restricted by this section which substantially limits speech unless such a prohibition or restriction:~~

~~1. serves a significant governmental interest as applied in a particular case.~~

~~2. as applied in the particular case there are other ample alternative channels for communication of the information.~~

~~3. application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.~~

~~(c) *Activities which constitute a public nuisance.* The following acts are violations of this section, subject to enforcement through criminal, civil and administrative means, without reference to the standards of paragraphs (a) and (b) of this section, with the exception of section 389.65(b)(13), namely:~~

~~(1) *Noisy or unruly assembly.* Participating in, conducting, visiting, or remaining at a gathering knowing or having reason to know that the gathering is a noisy or unruly assembly, as defined in section 389.30, except person(s) who have come to the gathering for the sole purpose of abating the disturbance.~~

- a. The premises at which a noisy or unruly assembly occurs shall additionally be subject to a notice of noisy or unruly assembly as further described in this section.
- b. A notice of noisy or unruly assembly shall be sent within ten (10) business days via first class mail to the owner and/or rental license holder of record of any premises at which a noisy or unruly assembly is determined to have taken place by the Minneapolis Police Department. The Minneapolis Police Department may, upon determining that the issuance of a notice would be contrary to public policy, refrain from such issuance when emergency services were summoned by a person taking part in the noisy or unruly assembly, or when the noisy or unruly assembly was created primarily by the occurrence of an incident of domestic abuse, as that term is defined in Minnesota Statute Section 518B.01, or wholly through the actions of uninvited guests or trespassers.
 1. Each notice of noisy or unruly assembly shall state that a noisy or unruly assembly has occurred on the premises; the date, time and nature of the noisy or unruly assembly; and that the owner, rental license holder or landlord may be issued an administrative citation should police respond to any additional noisy or unruly assemblies within one hundred eighty (180) days of the date of the noisy or unruly assembly which triggered the notice. Each notice shall further state the date of expiration for the notice, which shall be one hundred eighty (180) days from the date of the noisy or unruly assembly which triggered the notice. The notice shall direct the owner, rental license holder or landlord to take steps to ensure that the premises are not used for additional noisy or unruly assemblies.
 2. Right to contest issuance of notice. An owner, rental license holder or landlord who receives a notice may contest its issuance by requesting an administrative hearing pursuant to Chapter 2 of this Code. The hearing shall proceed pursuant to and be governed by the administrative hearing procedures of Chapter 2. At the hearing, the city shall bear the burden of proving by a preponderance of the evidence that a noisy or unruly assembly occurred and that the issuance of the notice was justified pursuant to the provisions of this chapter. Should the owner, rental license holder or landlord of the property affirmatively demonstrate that the issuance was based wholly upon the actions of uninvited guests or trespassers, the notice shall be deemed invalid and rescinded. An owner, rental license holder or landlord who receives a notice, may at any time petition the designated agent of the Minneapolis Police Department for a written order rescinding the notice on the grounds that he or she has taken reasonable and necessary actions, as defined in section 389.30, to prevent the occurrence of subsequent noisy or unruly assemblies. The designated agent of the Minneapolis Police Department may grant or deny the request for good cause. A denial of such a request may be contested by requesting an

administrative hearing pursuant to Chapter 2 of this Code. At the hearing, the petitioner shall bear the burden of proving by a preponderance of the evidence that the petitioner has taken reasonable and necessary actions to prevent subsequent noisy or unruly assemblies at the premises. Each notice of noisy or unruly assembly shall contain a recitation of these appeal rights. In any event, the notice shall be rescinded upon the presentation of adequate verification to the Minneapolis Police Department of the final departure from the unit that triggered the notice of every resident living in that unit at the time of the incident that formed the basis for the notice.

3. The criminal, civil or administrative enforcement of this section shall not preclude any additional enforcement or application of any other provisions of this Code, including but not limited to section 244.2020, Conduct on licensed premises or section 244.1940, Denial; non-renewal; revocation; suspension.
- c. Administrative enforcement. When the police department, fire department or other emergency response personnel respond to a noisy or unruly assembly at the same premises within one hundred eighty (180) days of the date of any previous noisy or unruly assembly for which a notice of noisy or unruly assembly was served and remains valid, the owner, rental license holder or landlord of the premises shall be issued an administrative citation pursuant to Chapter 2 of this Code in an amount as specified in the schedule of civil fines as adopted by resolution of the city council. However, in no case shall any such citation be issued pursuant to this section for any noisy or unruly assembly occurring within twenty-one (21) days of the mailing of the notice.
 - d. Applicability to multiple dwellings and duplexes. Notwithstanding subdivision (c)(1)(c) of this section, when a noisy or unruly assembly occurs on a premises on which any multiple dwelling, defined in section 244.40, or duplex is located, an administrative citation shall be issued pursuant to this section only if one (1) the following circumstances has occurred:
 1. A previous notice of noisy or unruly assembly has been served and remains valid for an incident occurring in the same dwelling unit in which the incident occurred that forms the basis for the administrative citation;
 2. A previous notice of noisy or unruly assembly has been served and remains valid for an incident in which any resident or guest of a resident participated, and that same resident or guest of a resident also participated in the incident that forms the basis for the administrative citation; or
 3. A previous notice of noisy or unruly assembly has been served and remains valid for an incident occurring in any nondwelling structure, common area, outdoor area, or other nondwelling area of the premises, and the incident

that forms the basis for the administrative citation also occurred in any one (1) of these areas.

- (2) *Permitting noisy or unruly assembly.* Knowingly permitting real estate under one's care or control to be used for a noisy or unruly assembly, as defined in section 389.30.
- (3) *Horns and other signal devices.* The sounding of any horn or signal device on an automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal or traffic warning.
- ~~(4) *Keeping animals or birds.* The keeping of any animal or bird which causes long, frequent, and/or continuous noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.~~
- ~~(5)~~(4) *Operation of vehicles.* The use of any automobile, pickup truck, motorcycle, or other vehicle which is not reasonably maintained and which causes noise which would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area.
- ~~(6)~~(5) *Amplified sound from vehicles.* Except as provided in section 389.105, the ~~playing or operation, or permitting the playing, use or operation,~~ of any radio, ~~tape player, disc player, loud speaker, or other~~ electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle being operated on a public street or alley, or in commercial or residential parking facilities, which is audible by any person from a distance of fifty (50) feet or more from the vehicle. When sound violating this section is produced ~~or reproduced by any such device that is located in a motor vehicle,~~ the motor vehicle's owner, if present when the violation occurs, is in violation of this section. If the motor vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is in violation of this section. In addition to an owner or a driver, any person who controls or assists with the production of sound violating this section is in violation of this section. Violation of this subsection is a misdemeanor. A first violation of this subsection is punishable by a fine not to exceed five hundred dollars (\$500.00), a second violation is punishable by a fine not to exceed seven hundred dollars (\$700.00), and a third violation is punishable by a fine to the maximum amount.
- ~~(7)~~(6) *Amplified sound.* The playing ~~of any or operation, or permitting the playing,~~ use or operation, of any radio tape player, loud speaker or other electronic device used for the amplification of sound (except as specifically permitted under section 389.105) located inside or outside, the sound of which measures five (5) dB(A) or more above ambient levels on carries to points of habitation on adjacent properties, including the public right of way and is audible above the level of

conversational speech at a distance of fifty (50) feet or more from the point of origin of the amplified sound.

(7) Alarms. Operating any electronic theft or burglar alarm which sounds an audible signal without an automatic shutoff device to prohibit the audible signal from sounding continually for more than five (5) minutes or the intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device except in the following circumstances:

a. Existence of an emergency.

b. Testing the device, not to exceed four (4) minutes in an hourly period, unless approved by the director when there is no reasonable alternative to exceeding four (4) minutes of testing and the testing is required by state or federal laws, rules or regulations.

c. The sounding of a properly maintained car alarm subject to paragraph (6) of this section.

(8) Solid waste collection. The loading or unloading of a solid waste compacting vehicle, solid waste processing vehicle, solid waste collection vehicle, or recycling collection vehicle outside of an insulated building in any residentially used area except during the hours of 6:00 a.m. and 10:00 p.m.

(9) Sweeping and snow plowing. The operation of a parking lot sweeping equipment in any residentially zoned area except between the hours of 6:00 a.m. and 10:00 p.m. year round. The operation of any snow and ice control equipment in any residentially zoned area except between the hours of 6:00 a.m. and 10:00 p.m. during an official snow emergency or after winter precipitation events that cause icing or snow pack conditions that must be treated or plowed to provide for public safety. The Minneapolis Department of Public Works, Minneapolis Park & Recreation Board, and Hennepin County may operate snow and ice control equipment on public streets and other public areas at any time, as it is the judgment of the city engineer that such activities are in the public interest.

(10) Noise control device. Removing or rendering inoperative any noise control device or the design of a product having those devices, by any person other than for purposes of maintenance, repair or replacement.

(b) No noise shall be prohibited or restricted under the authority of this section which substantially burdens a person's exercise of religion unless it is demonstrated that application of the burden to the person is:

(1) In furtherance of a compelling governmental interest.

(2) The least restrictive means of furthering that compelling governmental interest.

(3) Consistent with Article I, Section 16 of the Minnesota Constitution.

(c) No noise shall be prohibited or restricted under the authority of this section which substantially limits speech unless such a prohibition or restriction:

(1) Serves a significant governmental interest as applied in a particular case.

(2) As applied in the particular case there are other ample alternative channels for communication of the information.

(3) Application of the regulation in the particular case promotes a substantial government interest that would be achieved less effectively absent application of the regulation.

Section 8. That Section 389.70 of the above-entitled ordinance be and is hereby repealed:

~~389.70. Construction, demolition and commercial power maintenance equipment.~~

~~(a) Except as hereinafter provided, no construction, demolition or commercial power maintenance 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 assistant city coordinator for regulatory services or their designee, for the purpose of a specified project or activity only, as provided below and no such equipment shall be operated at any time if the sound level from such operation exceeds ninety (90) decibels measured at fifty (50) feet or more away from the source; provided further, however, that such equipment, the operation of which fully conforms and in the reasonable opinion of the assistant city coordinator for regulatory services or their designee is likely to fully conform to the provisions of sections 389.50, 389.60, 389.65, 389.90, and 389.100 of this chapter shall be permitted to operate during the above-prohibited hours and days after obtaining the permit required by this section.~~

~~(b) No internal combustion engine or any other power unit when operated in connection with construction, demolition or commercial power maintenance 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 ninety (90) decibels measured at fifty (50) feet or more away from the source.~~

~~(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 assistant city coordinator for regulatory services or their designee determines that substantial loss or inconvenience would result to any party in interest unless allowed additional hours of equipment operation, the assistant city~~

~~coordinator for regulatory services or their designee may grant permission for extended hours of operation of such construction or demolition equipment and internal combustion engine or power units subject to such conditions or restrictions as the assistant city coordinator for regulatory services determines to be necessary and appropriate and in the public interest.~~

~~(e) The fees for an extended hours of operation permit issued pursuant to paragraph (d) hereof, shall be as established in the director's fee schedule pursuant to section 91.70 for each Saturday, Sunday, and legal holiday on which work is performed and each calendar day on which work is performed after 6:00 p.m. or before 7:00 a.m. of the following day. The fee for an extended hours of operation permit for a public works project, issued pursuant to paragraph (f) hereof, shall be as established in the director's fee schedule pursuant to section 91.70. Permits shall 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) The department of public works may construct, repair or rehabilitate any highway, road or bridge or other public infrastructure after 6:00 p.m. or before 7:00 a.m. on weekdays, or on Saturdays, Sundays or state or federal holidays when, in the judgment of the city engineer it is 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.~~

~~(g) No after hours work permit may be issued to a site within five hundred (500) feet of the property line of a hospital, clinic, licensed health care facility or other similar business except under authority of 389.70(d).~~

~~(h) Each applicant for an after hours work permit must provide the following information:~~

- ~~(1) Verification that the applicant has notified all immediate property occupants and owners of their proposed activity;~~
- ~~(2) The applicant's requested hours of operation;~~
- ~~(3) The nature of the activity that will be occurring;~~
- ~~(4) The site and address where the activity will take place;~~
- ~~(5) A contact and phone number for the site activities;~~
- ~~(6) A company name, a company contact, a mailing address and phone number;~~
- ~~(7) Payment of the permit fee; and~~
- ~~(8) Any other information the city deems necessary in order to determine whether a permit should be issued.~~

~~(i) An after hours work permit shall not have a start time before 7:00 a.m. or end time past 10:00 p.m. for weekdays. An after hour work permit shall not have a start time before 9:00 a.m. or end time past 6:00 p.m. on weekends or state or federal holidays except under authority of 389.70(d).~~

~~(j) A permit request may be rejected or modified from the after hours work times identified in 389.70(h) if:~~

- ~~(1) The activity is not compatible with the zoning of the property where the activity is requested;~~
- ~~(2) The activity is not compatible with adjacent parcels within a five hundred (500) foot radius of the property; or~~
- ~~(3) If substantiated complaints of excessive noise, dust or nuisance conditions have occurred from similar activities at the site or by the applicant within the past year.~~

~~(k) An approved permit may be canceled or modified if:~~

- ~~(1) The activity is found to be incompatible with the zoning of the property where the activity is occurring;~~
- ~~(2) The activity is found to be incompatible with adjacent parcels within a five hundred foot radius of the property;~~
- ~~(3) Substantiated complaints of excessive noise, dust or nuisance conditions result from site activities; or~~
- ~~(4) The activity is found to be in violation of the conditions of the permit.~~

~~(l) After hours work may be suspend[ed] by the Minneapolis Police or the assistant city coordinator for regulatory services or their designee if a valid permit is not present on site for review or under authority of 389.70(k).~~

Section 9. That Section 389.80 of the above-entitled ordinance be amended to read as follows:

389.80. Outdoor implements. ~~Except as hereinafter provided, any~~ Any outdoor implement such as a power lawn mower, snow blower, power hedge clipper, power saw, leaf blower, or trimmer, or such other implement, designed primarily for outdoor use, shall be operated within the city only between the hours of 9:00 a.m. and 9:00 p.m. on any day 7:00 a.m. and 10:00 p.m. No leaf blowers shall be operated by any person in the city without a muffler nor shall a leaf blower be operated in the city that causes sound in excess of seventy (70) dB(A) measured at fifty (50) feet away. A snow blower may be operated between the hours of 6:00 a.m. and 9:00 a.m. or between the hours of 9:00 p.m. and 10:00 p.m. if operation during such hours is reasonably necessary for an owner, occupant or other person having

~~responsibility under section 445.20 and/or section 225.680(c) to meet their responsibilities for snow removal under those sections without undue hardship at any time during the pendency of an official snow emergency and at any time within twenty-four (24) hours following a snowfall of one (1) inch or greater.~~

Section 10. That Section 389.90 of the above-entitled ordinance be and is hereby repealed:

~~**389.90. Temporary crushing activities.** (a) *Definition and purpose.* Temporary crushing activities include on-site crushing, grinding or pulverizing of razed building or structural materials performed in an open area by use of portable crushing machinery.~~

~~The purpose of the ordinance is to reduce the impacts and costs associated with the demolition of primarily commercial and industrial structures while protecting the public health, safety and welfare by addressing concerns relating to the transitory effect of noise, dust, stormwater run-off and related environmental impacts resulting from temporary crushing activities.~~

~~(b) *Requirements.* Temporary crushing activities must comply with the following:~~

- ~~1. The performance standards in sections 542.490 to 542.540 of the zoning code; chapters 46, 47, 48, 117 and 389 of the code of ordinances; and state rules and statutes as determined applicable by the director of inspections when issuing the wrecking permit required by section 117.10 of this code.~~
- ~~2. Materials crushed, ground or pulverized on-site shall originate only from demolition activities conducted on the site and shall not include any materials conveyed to the site from a different location.~~
- ~~3. Temporary crushing activities shall not exceed one hundred twenty (120) consecutive calendar days from the date of issuance of a required permit.~~
- ~~4. A temporary sign, three (3) feet by four (4) feet, indicating the name, address and phone number(s) of the person(s) or agent(s) of the company conducting the temporary on-site 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 conducted on-site is available on-site or by phone on a twenty-four (24) hour basis.~~

Section 11. That Section 389.100 of the above-entitled ordinance be and is hereby repealed:

~~**389.100. Prohibited acts.** (a) The following acts are not allowed in the city and the causing thereof are prohibited:~~

- ~~(1) Intentionally sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device except in the following circumstances:~~
- ~~a. Existence of an emergency.~~
 - ~~b. Testing the device, not to exceed four (4) minutes in an hourly period, unless approved by the director when there is no reasonable alternative to exceeding four (4) minutes of testing and the testing is required by state or federal laws, rules or regulations.~~
 - ~~c. The sounding of a properly maintained car alarm subject to paragraph (6) of this section.~~
- ~~(2) No person shall load or unload a solid waste compacting vehicle, solid waste processing vehicle, solid waste collection vehicle, or recycling collection vehicle outside of an insulated building in any residentially used area between the hours of 10:00 p.m. and 6:00 a.m.~~
- ~~(3) No person shall operate a parking lot sweeper or commercial snow plowing equipment in any residentially zoned and used area between the hours of 10:00 p.m. and 6:00 a.m. Snow plowing of off-street parking areas and adjoining walkways with reasonably maintained and proficiently operated equipment in residentially zoned and used areas is allowed between 10:00 p.m. and 6:00 a.m. during an official snow emergency which has been declared by the proper city officials. The Minneapolis Department of Public Works may plow and otherwise remove snow from public streets and other public areas between the hours of 10:00 p.m. and 6:00 a.m. whenever, in the judgment of the city engineer, such plowing or otherwise removing snow is in the public interest.~~
- ~~(4) Removing or rendering inoperative any noise control device or the design of a product having those devices, by any person other than for purposes of maintenance, repair or replacement.~~
- ~~(5) It shall be unlawful for any person to be in control of and allow operation of an electronic theft or burglar alarm which sounds an audible signal without an automatic shutoff device to prohibit the audible signal from sounding continually for more than five (5) minutes.~~

Section 12. That Section 389.105 of the above-entitled ordinance be amended to read as follows:

389.105. Permits for sound amplifying equipment. Except as provided in section 389.60(e)(5), no person shall use or maintain any outside sound amplifying equipment except under specific permit from the assistant city coordinator for regulatory services or their designee. The fees for this permit shall be as established in the director's fee schedule

pursuant to section 91.70 for each calendar day, ~~Saturday, Sunday or legal holiday~~ for which amplified sound is played or operated subject to the following conditions:

- (1) A daytime permit is required for outside sound amplifying equipment used between the hours of 7:00 a.m. and 10:00 p.m. An extended hours permit shall be required for outside sound amplifying equipment used outside of the hours specified in this subsection and may be issued only if: The hours when outside sound amplifying equipment may be used, pursuant to a permit, can only be extended if: (A) outside amplified sound equipment is being used as part of a large block event and is explicitly allowed by the terms of the large block event permit issued pursuant to Chapter 455 of this code; or (B) outside amplified sound equipment is being used on publicly owned and controlled property in the Central Business District, or (C) approved by the assistant city coordinator for regulatory services or the assistant city coordinator's designee.
- (2) Amplification that does not meet the limits of section 389.60 shall be limited to twelve (12) hours in any one (1) day, twenty-four (24) hours in any seven (7) day period and thirty-six (36) hours in any twenty-eight-day period for the same property. The assistant city coordinator for regulatory services, or their designee, may permit amplified sound in excess of these limitations if, and only if, the outside amplified sound equipment is being used on publicly owned and controlled property in the Central Business District.
- (3) Sound measured at fifty (50) feet from the source shall not exceed ninety (90) dB(A).
- (4) Sound measured off the property where the equipment is allowed under the permit shall never be more than fifteen (15) dB(A) above the ambient noise level.
- (5) Compliance with section 389.65 (a) and (b).

~~A permit shall be issued only after the applicant gives a written promise to comply with these conditions and reasonably demonstrates that the activity will comply with these conditions. The terms of the permit, may be expanded, or the fee waived or reduced, when it is deemed necessary, upon a proper showing, for the purpose of complying with section 389.65(b)(13), which is incorporated herein.~~

~~Permits shall 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.~~

Section 13. That Section 389.110 of the above-entitled ordinance be and is hereby repealed:

389.110. Advertising by public address systems. ~~No person shall maintain and operate in any building a radio device or musical instrument where the sound therefrom is cast~~

directly upon a public street and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public. Nothing herein contained shall prohibit the playing of records in a record shop where the sounds created, emitted or transmitted therefrom are not audible for a distance of more than twenty-five (25) feet from the building in which the record shop is located.

Section 14. That Section 389.120 of the above-entitled ordinance be amended to read as follows:

389.120. Penalties. ~~(a) Any person who violates sections 389.60(a), 389.60(c), 389.60(g), 389.65(a), 389.65(c)(4), 389.65(c)(5), or 389.65(c)(7) shall receive either a verbal or written order to cease or abate the noise immediately or within a reasonable time period specified in the order, except that after 10:00 p.m. and until 6:00 a.m. any person designated to enforce this chapter need not issue an order to cease or abate the noise before charging any person with a violation of any of these sections. Provided further that no warning shall be required for any violation of 389.60(a), 389.60(c), or 389.60(g) when the activity, sound, or operation producing the sound is primarily created by heaters, air conditioners, fans, machinery, equipment, implements, manufacturing processes, construction processes, demolition processes or primarily created as the result of impact(s) or explosion(s).~~

~~(b) — If an order to cease or abate the noise is required by subparagraph (a) and not complied with, or is complied with and then violated again within one hundred eighty (180) days of receipt of the verbal or written order to cease or abate the noise required by subparagraph (a), the person or persons responsible for the subject noise may be charged with violation of an appropriate section of this chapter with penalties as provided by section 1.30(a) of this code, except as otherwise specifically provided in this chapter. In all other cases, any violation of this chapter may be immediately charged in the manner provided by law and without any prior order to cease or abate the noise. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and may be punished separately.~~

In addition to any penalties specifically provided for by the terms of this chapter, violations of the provisions of this chapter may be enforced by any one, all, or any combination of the following penalties and remedies:

- (1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (3) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

(4) The failure to comply with the terms of this chapter by the holder of any license, provisional license or permit issued pursuant to this Code shall constitute good cause for adverse action against such license, provisional license or permit.

Section 15. That Section 389.170 of the above-entitled ordinance be amended to read as follows:

389.170. Light vehicles. No person shall operate, nor shall its owner permit the operation of a light vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less, or any auxiliary device attached to or required for the operation of said vehicle, on any traffic way in such a manner that it emits noise at levels in excess of the limits specified in Table A-1 or A-2, as applicable.

TABLE A-1

NOISE LEVEL LIMITS FOR LIGHT VEHICLES
OPERATED IN MINNEAPOLIS BEFORE
JANUARY 1, 1977

TABLE INSET:

Posted Speed Limit	Measurement Distance 25 feet	Measurement Distance 50 feet	Measurement Distance 200 feet
25 MPH or less	77 dB(A)	75 dB(A)	69 dB(A)
30	79	77	71
35	81	79	73
40	83	81	75
45	85	83	77
50	87	85	79
55	89	87	81
60 MPH or more	91	89	83

TABLE A-2

NOISE LEVEL LIMITS FOR LIGHT VEHICLES
OPERATED IN MINNESOTA ON OR
AFTER JANUARY 1, 1977

TABLE INSET:

Posted Speed Limit	Measurement Distance 25 feet	Measurement Distance 50 feet	Measurement Distance 200 feet
25 MPH or less	69 db(A)	67 db(A)	61 db(A)
30	71	69	63
35	73	71	65

40	75	73	67
45	77	75	69
50	79	77	71
55	81	79	73
60 MPH or more	83	81	75

Section 16. That 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 with a manufacturer's gross vehicle weight rating of more than 10,000 pounds, 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.

TABLE B-1

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

TABLE INSET:

Posted Speed Limit	Time Periods 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, holiday, Sunday	81	79	73
More than 35 mph	All	94	92	86

TABLE B-2

~~NOISE LEVEL LIMITS FOR HEAVY VEHICLES EFFECTIVE AFTER JANUARY 1, 1974~~

TABLE INSET:

Posted Speed Limit	Time Periods 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	81	79	73
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~~

TABLE INSET:

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	73	71	65
More than 35 mph	All	83	71	75

Section 17. That Section 389.200 of the above-entitled ordinance be and is hereby repealed:

~~**389.200. Measurement of noise levels.** (a) Persons who measure noise levels for the purpose of enforcing these regulations shall be trained in the techniques of sound measurement and qualified in the use of the instruments required to make such measurements.~~

~~(b) A sound level meter shall be used in measuring noise levels, except that:~~

~~(1) The B and C weighting networks and the "slow" meter dynamic response characteristic need not be incorporated; and~~

~~(2) A "hold" network may be incorporated.~~

~~(c) — Measurements shall be made in accordance with good professional practice. In particular:~~

~~(1) The "A" weighting network shall be used.~~

~~(2) The "fast" meter response characteristic shall be used when measuring vehicular noise levels.~~

~~(3) Sound level calibrators of the auxiliary closed-coupler type specified in ANSI Standard S1.4-1971, or its most recent revision, shall be used.~~

~~(4) Windscreens shall be used whenever appropriate.~~

~~(5) Where measurements are made of vehicles in motion, the trafficway surface near the point of measurement shall normally be dry, of concrete or asphalt, free of~~

~~extraneous loose material and free of sharp bumps, chuck holes, wide cracks and patches needing repair.~~

- ~~(6) Measurements shall normally not be used for enforcement unless the noise level at a point of measurement while a vehicle is operated is three (3) or more decibels greater than the ambient noise level.~~
- ~~(7) The ambient noise level may be estimated from sound levels measured before and/or after the passage of a moving vehicle or by sound levels measured at one or more points near the point of measurement.~~

Section 18. That Chapter 389 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 389.210 to read as follows:

389.210. Sound attenuation required in Industrial Living Overlay Districts. New construction or remodeling that involves fifty (50) percent or more of a structure located in an Industrial Living Overlay District shall require installation of sound attenuating materials for all interior occupied space. The level of sound attenuation shall be such that the measured interior sound levels will, at the time of completion of the project, be at or below the levels specified in Table A:

TABLE A

<u>Permissible occupied interior noise levels measured with all doors and windows closed</u>			
<u>Daytime</u>		<u>Nighttime</u>	
<u>L₅₀</u>	<u>L₁₀</u>	<u>L₅₀</u>	<u>L₁₀</u>
<u>60 dBA</u>	<u>65 dBA</u>	<u>50 dBA</u>	<u>55 dBA</u>