

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-___

SECTION 1. The City Council of the City of Lake Elmo hereby amends Chapter 130: General Offenses; Section 47: Construction Equipment of the Lake Elmo Code of Ordinances to read the following:

(A) Except as stated, no pile driver, jackhammer, or other similar construction equipment activity including but not limited to: operation, servicing and engine start-up/warm-up of heavy construction equipment; loading or unloading of heavy equipment; shall be ~~operated~~ allowed between the hours of ~~6~~ 7 6:00 p.m. to 7:00 a.m. on weekdays, and during any hours on Saturdays, Sundays, and state and federal holidays. No equipment shall be operated at any time if the sound level from the operation exceeds 100 decibels measured along any property line. ~~However, if the decibel maximum sound limit is reduced to 95 decibels effective the second anniversary of the enactment of this code, and 90 decibels effective the fourth anniversary; and the operation of the equipment conforms to the maximum allowable sound levels as stated in this section; it may be operated during the above prohibited hours and days.~~ When any of the above named equipment is used for any purpose other than construction, the ambient noise levels apply.

(B) No internal combustion engine or any other power unit when operated in connection with construction or demolition equipment shall be operated at any time other than at the times as set forth in this section, and any sound emitted from any engine or power unit shall not exceed 83 decibels measured along the property line. Unnecessary idling of internal combustion engines is prohibited. All construction equipment powered by internal combustion engines shall be properly muffled and maintained.

~~(C) If an emergency situation exists or if substantial economic loss would result to any person unless allowed additional hours of equipment operation, a special permit may be granted for extended hours of operation of the construction equipment and internal combustion engine or power unit as follows. Exemption. The following activities are specifically exempted from the prohibitions under this section.~~

~~(1) In the event of an emergency situation, a permit~~ Activities granted an exemption by written permission of the City Administrator for which the City Administrator finds that the activity is of urgent necessity and in the interest of public health and safety. The exemption may be granted for the operation during any hour of any day for a period not to exceed 3 days or less while the emergency continues. This ~~permit~~ written permission may be renewed for periods of 3 days or less while the emergency continues.

~~(2) In the event of a determination of substantial economic loss to a person, a special permit may be granted for the operation~~ The City Administrator may grant a special permit allowing construction throughout the hours of 7:00 a.m. to 9:30 p.m. on weekdays and throughout the hours of 1:00 p.m. to 5:00 p.m. on Saturdays, Sundays, and state and federal holidays upon the condition that while any construction equipment, internal combustion engine, or power unit is in operation, its location shall not be less than ~~600~~ 1000 feet in any direction from any dwellings. Any person seeking such permission shall file an application with the City that states the proposed dates during which construction will be allowed at such hours, the location of the noise source, reason for requested exception, and steps that will be taken to minimize the noise level. The City shall give ten (10) days mailed notice to property owners within 1000 feet of the noise source. Any person claiming to be adversely affected by the exemption may file a statement with the City within ten (10) days of the date the notice is postmarked. Such fees for this permit shall be set by Council. If the City Administrator finds that sufficient controversy exists regarding the proposed exemption, or if the

applicant would like to appeal the denial of such a permit, the City Administrator may hold a public hearing on the proposal at which all person affected shall be given the opportunity to be heard. The City Council shall also hold such a hearing upon request of the applicant or any person claiming to be adversely affected by the exemption applied for. Within thirty (30) days of receipt of the application, the City Council shall approve or deny the application. It may be approved only if the City Council finds that full compliance with the requirements of this Chapter would constitute an unreasonable hardship on the applicant, on other persons or on the community. In determining whether to grant or deny the application, the City Council shall balance the hardship to the applicant against the adverse impact on the health, safety and welfare of the persons affected, the adverse impact on property affected and any other adverse effects of granting the variance. The exemption may be granted subject to conditions, including a time limit, which shall be clearly stated. except that if while any construction equipment, internal combustion, or power unit is in operation, its location shall be no less than 1,200 feet in any direction from any dwelling, a permit may be granted for operation during any hour of any day.

(3) Snow removal activities.

(4) Parking lot maintenance or sweeping activity which shall adhere to restrictions set forth in the table of 130.46 (A).

(5) Work on public infrastructure projects that are carried out by federal, state, county, or city authorities, or their contractors or sub-contractors that is being performed to preserve the public health, safety or welfare including but not limited to clearing, grubbing, grading, streets, sidewalks, trails, bridges, water systems, storm and sanitary sewer systems, storm water management, which may be performed between the hours of 7:00 a.m. to 7:00 pm on weekdays, and 9:00 a.m. to 5:00 p.m. Saturdays.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-__ was adopted on this __ day of May, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08-__ was published on the ____ day of _____, 2016.