



*Our Mission is to Provide Quality Public  
Services in a Fiscally Responsible Manner  
While Preserving the City's Open Space  
Character*

## **NOTICE OF MEETING**

**City Council Workshop  
3800 Laverne Avenue North  
March 14, 2017  
6:30 PM**

## **AGENDA**

- |  |                |
|--|----------------|
| <b>I. Call to Order</b>  | <b>6:30 PM</b> |
| <b>II. Job Classification and Compensation Study, Job Descriptions</b> | <b>6:30 PM</b> |
| <b>III. Discuss Policy on Contacting City Attorney</b>                 | <b>7:30 PM</b> |
| <b>IV. Lake Elmo Farmers' Market</b>                                   | <b>8:00 PM</b> |
| <b>V. Noise Ordinance Discussion</b>                                   | <b>8:30 PM</b> |
| <b>VI. Planning Commission Ordinance</b>                               | <b>9:00 PM</b> |
| <b>VII. Items for Future Work Session Agenda</b>                       | <b>9:30 PM</b> |
| <b>VIII. Adjourn</b>   | <b>9:30 PM</b> |



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## STAFF REPORT

DATE: 3/14/2017

**REGULAR**

ITEM #:

**TO:** City Council  
**FROM:** Emily Becker, City Planner  
**AGENDA ITEM:** Noise Control Ordinance  
**REVIEWED BY:** Stephen Wensman, Planning Director  
Kristina Handt, City Administrator  
Councilmember Bloyer

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### **BACKGROUND:**

**Reason for Ordinance Amendment.** Staff had previously proposed to the Council an amendment to the City's Noise Control Ordinance on December 20, 2016. This ordinance amendment was requested for the following reasons:

- *To Allow for Competitive Pricing and Timely Completion of City Projects.* The City Engineer suggested that extending working hours similarly to other cities may allow for more competitive pricing on City projects and allow more timely completion of projects to minimize disruption to Lake Elmo properties.
- *Multiple Permits Issued.* The City Administrator is often asked for permission to allow construction on Saturdays 8:00am or 9:00 am to 3:30pm or extended hours until 7:00pm on weekdays. These requests are almost always granted, and so Staff feels that this standard should be given another thought. Only one complaint has been received by Staff from an Oakdale resident by granting permission for these extended hours. Additionally, amending the ordinance will save Staff time by not having to write approval letters each time a request is made.

**Feedback Received on Previously Proposed Ordinance Amendment.** Prior to bringing the Noise Control Ordinance amendment to Council, a public hearing was held at a Planning Commission meeting. The following comments arose from this public hearing:

- *From the Planning Commission.* The Planning Commission was only comfortable with the following revisions to the City's current ordinance:
  - *Some Extended Hours.* Extending the hours of construction operation from 6pm to 7pm on weekdays.
  - *Exemptions from Prohibition of Construction Activity.* Adding exemptions from the prohibition of construction activity, including snow removal activity, parking lot maintenance or sweeping, and work on public infrastructure projects.
  - Clarifying that the City Administrator is able to grant certain exemptions for activity that is of urgent necessity and in the interest of public health and safety.
  - Removing language that allows a special permit to be granted for economic loss and replacing this with a provision that allows the City Administrator to grant permission to allow construction during outlined times. There was also a change that restricts construction occurring during specially-allowed hours to at least 1000 feet away from any dwelling (previously 600 feet).
- *From the Builders Association of the Twin Cities (BATC).* BATC provided feedback on the ordinance after the public hearing was held on the ordinance amendment, expressing concern

about arbitrarily restricting private construction projects and exempting public projects; there being lack of evidence of a problem; and noise thresholds.

**City Council Decision on Proposed Noise Ordinance.** The Council did not ultimately approve the proposed Noise Control Ordinance Amendment. The ordinance amendment was not approved by a vote of 2-2-1.

**Amendment Still Needed.** Feedback after the meeting indicated that an amendment to the ordinance is still needed, as the ordinance is rather strict and only exempts construction activity and outdoor implements.

**ISSUE BEFORE COUNCIL:**

What changes should be made to the City’s Noise Control Ordinance?

**PROPOSAL DETAILS/ANALYSIS:**

Staff has provided the Council with the City’s Noise Control Ordinance along with other City Noise Ordinance examples. Staff would like the Council to provide guidance on the following:

**Measurement of Noise.** In the previously-proposed ordinance amendment, Staff proposed replacing the following table with the table in Section 130.46: Measurement of Noise. The table below outlines standards set forth by Minn. Administrative Rules Ch. 7030 \*,\*\*.

Noise Area Classification	Daytime		Nighttime	
	L <sub>50</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>10</sub>
1 (Residential housing, religious activities, camping and picnicking areas, health services, hotels, educational services.)	60	65	50	55
2 (Retail, business and government services, recreational activities, transit passenger terminals.)	65	70	65	70
3 (Manufacturing, fairgrounds and amusement parks, agricultural and forestry activities.)	75	80	75	80

Nighttime is defined as the hours between 10:00 p.m. and 7:00 a.m. and Daytime is defined as the hours between 7:00 a.m. and 10:00 p.m. The “L” measurements in the table signify the time during a one-hour period of monitoring that decibel level can occur; L10=10% of that time (6 minutes) and L50=50% of that time (30 minutes).

\* There is a land use classification 4: Undeveloped and unused land, water areas, under construction. These land use activities are not regulated in the table above.

\*\* Noise Emission Reference Levels and Usage Factors is attached, giving examples of noise producers at various decibel levels.

- *Analysis.* These standards are set forth by Minn. Administrative Rules. It may be redundant to include them in the Code, but may offer clarification to residents who are referencing City Code for noise regulations. Some cities alternatively list out prohibited activities (noisy assemblies, loud music, discharging of exhaust with no muffler, etc.) rather than included this table.
- *Feedback Requested.* Does the Council wish to include this table within the City's Noise Control Ordinance?

**Construction Equipment.** The current City Noise Control Ordinance exempts certain construction activity from the noise level standards outlined in the table of Section 130.46.

- *Limited Hours.* This exempted construction activity is limited, however, to weekday hours of 7:00am to 6:00pm.
  - *Analysis.* The attached comparison table comparing Lake Elmo's Noise Control Ordinance to those of other cities shows that Lake Elmo has one of the more limited timeframes during which construction activity is allowed. Construction activity will undoubtedly exceed noise level standards and should be listed as an exemption in the City's Noise Control ordinance. The Council should determine what hours during which the exemption is appropriate.
  - *Feedback Requested.* Does the Council wish to extend the hours allowed for construction equipment? Should weekends or at least Saturday construction be allowed?
- *Maximum Noise Level.* Construction equipment must not produce noise exceeding 100 decibels measured along any property line. Internal combustion engines or any other power unit shall not exceed 83 decibels along any property line.
  - *Analysis.* 100 decibels along the property line is appropriate for maximum noise level allowed for the operation of construction equipment. This is the sound of a handheld drill being operated.
  - *Feedback Requested.* Is the Council amenable to keeping this current provision?
- *Equipment must be used for construction.*
  - *Analysis.* This does not allow a resident to operate a piece of construction equipment for a purpose other than construction.
  - *Feedback Requested.* Is the Council amenable to keeping this current provision?
- *Emergency Situation.* The current ordinance allows special permits to be granted in the event of an emergency situation. Such permits may be granted during any hour of any day, not to exceed 3 days, and may be renewed while the emergency continues.
  - *Analysis.* Emergency situation is not defined, nor does the ordinance outline who determines what is considered an emergency situation.
  - *Feedback Requested.* Does the Council wish to allow permits to be granted in the case of emergency situations? Should the ordinance more clearly define emergency situation and who determines what an emergency situation is?
- *Substantial Economic Loss.* Currently, the ordinance allows a special permit to be granted for the operation of equipment which extends the allowed construction hours to 9:30pm on weekdays and permits construction on weekends from 1:00pm to 5:00pm, provided the construction equipment is operated 600 feet or more from any dwellings. Any hour of any day is allowed for construction equipment operated 1200 feet or more from any dwellings.
  - *Analysis.* Substantial economic loss is not defined, nor should it be a valid reason for granting such a permit.

- *Feedback Requested.* Does the Council wish to remove this provision from the ordinance? Should equipment that is being operated far enough away from dwellings be allowed to be operated at any hour of any day?

**Outdoor Implements.** Implements designed for outdoor use (power lawn mower, snowblower, power hedge clipper, power saw, etc), if exceeding maximum allowable sound levels, can be operated between the hours of 7:30am to 9:00pm on weekdays and 9:00am to 9:30pm every other day. If such implements do not exceed maximum allowable sound levels, they may be operated at any time.

- *Analysis.* Outdoor implements, like construction equipment, will almost certainly exceed the maximum allowable sound levels. This exemption should be listed in this ordinance.
- *Feedback Requested.* Does the Council wish to amend anything in this section of the ordinance?

**Additional Exemptions.** The current Noise Control Ordinance does not list any other exemptions to the maximum allowable noise levels.

- *Analysis.* Other cities exempt additional activities from maximum allowable noise levels (church bells, school bells, city-sponsored activities, emergency vehicles, etc.
- *Feedback Requested.* Does the Council wish to add additional exemptions to the maximum allowable noise levels?

#### **FISCAL IMPACT:**

Allowing extended working hours may allow for more competitive pricing on City projects and allow more timely completion of projects to minimize disruption to Lake Elmo properties.

#### **ATTACHMENTS:**

- Current City Noise Control Ordinance
- Previously-proposed Noise Control Ordinance Amendment
- Comparison table
- Other City Noise Ordinance examples
- Noise Level Chart
- Estimating Sound Levels Diagram

## Lake Elmo, MN Code of Ordinances

### NOISE CONTROL

#### § 130.45 NOISE PROHIBITED.

It shall be unlawful to make, continue, or cause to be made or continued, any noise in excess of the noise levels set forth unless noise is reasonably necessary to preserve life, health, safety, or property.

(1997 Code, § 1370.01) Penalty, see § 10.99

#### § 130.46 MEASUREMENT OF NOISE.

(A) Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise levels of the property line of any property (or if a condominium or apartment house within any adjoining apartment) by more than 6 decibels above the ambient noise levels as designated in the following table at the time and place and for the duration then mentioned, is a violation of this section, but any enumeration in this section is not exclusive.

<i>Duration of Sound</i>	<i>7:00 a.m. to 6:00 p.m. (All Districts)</i>	<i>6:00 p.m. to 7:00 a.m. Residential District and 6:00 p.m. to 7:00 a.m. (All Other Districts)</i>	<i>10:00 p.m. to 7:00 a.m. (Residential Districts)</i>
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

(B) In determining whether a particular sound exceeds the maximum permissible sound level in the above table:

(1) Sounds in excess of the residential district limitations as measured in a residential district or other districts; and/or

(2) During all hours of Sunday and state and federal holidays, the maximum allowable decibel levels for residential districts are as set forth in the table in division (A) above.

(1997 Code, § 1370.02) Penalty, see § 10.99

### **§ 130.47 CONSTRUCTION EQUIPMENT.**

(A) Except as stated, no pile driver, jackhammer, or other construction equipment shall be operated between the hours of 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.

(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.

(1) In the event of an emergency situation, a permit 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 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 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 feet in any direction from any dwellings, 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.

(1997 Code, § 1370.03) Penalty, see § 10.99

### **§ 130.48 OUTDOOR IMPLEMENTS.**

(A) Except as stated, any power lawn mower, snowblower, power hedge clipper, power saw, or other implement, designed primarily for outdoor use, shall be operated only between the hours of 7:30 a.m. to 9:00 p.m. on weekdays, or between the hours of 9:00 a.m. to 9:30 p.m. on Saturdays, Sundays, and state and federal holidays.

(B) However, if the equipment conforms to the maximum allowable sound levels as stated, it may be operated during the above prohibited hours.

(1997 Code, § 1370.04) Penalty, see § 10.99



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 Title VIII, Chapter 130: General Offenses; Noise Control, Sections 130.45 - 130.48 of the Lake Elmo Code of Ordinances to read as follows:

**NOISE CONTROL**

**§ 130.45 NOISE PROHIBITED.**

It shall be unlawful to make, continue, or cause to be made or continued, any noise in excess of the noise levels set forth unless noise is reasonably necessary to preserve life, health, safety, or property.

(1997 Code, § 1370.01) Penalty, see § 10.99

**§ 130.46 MEASUREMENT OF NOISE.**

(A) Any activity not expressly exempted by this section which creates or produces sound regardless of frequency exceeding the ambient noise levels of the property line of any property (or if a condominium or apartment house within any adjoining apartment) by more than 6 decibels above the ambient noise levels as designated ~~in the following table at the time and place and for the duration then mentioned, is a violation of this section, but any enumeration in this section is not exclusive.~~ by Minnesota Rule Part 7030.0040, Noise Standards.

<del>Duration of Sound</del>	<del>7:00 a.m. to 6:00 p.m. (All Districts)</del>	<del>6:00 p.m. to 7:00 a.m. Residential District and 6:00 p.m. to 7:00 a.m. (All Other Districts)</del>	<del>10:00 p.m. to 7:00 a.m. (Residential Districts)</del>
<del>Less than 10 minutes</del>	<del>75 db</del>	<del>70 db</del>	<del>60 db</del>
<del>Between 10 minutes and 2 hours</del>	<del>70 db</del>	<del>60 db</del>	<del>50 db</del>
<del>In excess of 2 hours</del>	<del>60 db</del>	<del>50 db</del>	<del>40 db</del>

~~(B) In determining whether a particular sound exceeds the maximum permissible sound level in the above table:~~

~~—(1) Sounds in excess of the residential district limitations as measured in a residential district or other districts; and/or~~

~~—(2) During all hours of Sunday and state and federal holidays, the maximum allowable decibel levels for residential districts are as set forth in the table in division (A) above.~~

(1997 Code, § 1370.02) Penalty, see § 10.99

### **§ 130.47 CONSTRUCTION EQUIPMENT.**

(A) Purpose. The City understands that exceeding decibels above the ambient noise levels is necessary from time to time in order to use heavy equipment to perform construction activities and make necessary improvements within the City. The following sets forth specific times during which such heavy equipment that exceeds the ambient noise level may be used.

(B) Definitions. For purposes of this Section, the following definitions shall apply:

HEAVY EQUIPMENT. Compactors/rollers, cranes, bulldozers, dump trucks, excavators, forklifts, graders, jackhammers, loaders, pavement breakers, pile drivers, portable crushers, tractors, trenchers, or other pieces of equipment that generate similar levels of noise.

OPERATED. Engine start-up or warm-up, delivery and loading/unloading of equipment/supplies or any activity involving heavy equipment that exceeds ambient noise levels.

~~(A)-(C) Except as stated, no pile driver, jackhammer, or other construction equipment shall be operated between the hours of 6:00 p.m. to 7:00 a.m. on weekdays and during any hours on Saturdays, Sundays, and state and federal holidays. Heavy equipment may be operated in excess of ambient noise levels between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and on Saturdays from 9:00 a.m. to 3:30 p.m. No heavy equipment exceeding ambient noise levels shall be operated on Sundays or state and federal holidays. No heavy equipment shall be operated at any time under any circumstances if the sound noise 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.~~

~~(C)(D) 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. In the event of an emergency situation, a permit Heavy equipment may be operated in excess of the ambient noise levels during times not allowed by paragraph (C) of this Section if it is found by the City Administrator that the activity is of urgent necessity and is in the interest of the public health, safety or welfare. The City Administrator must grant written permission. Permission by the City Administrator may be granted for the operation of heavy equipment in excess of the ambient noise levels 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 by the City Administrator for periods of 3 days or less while if the emergency continues.~~

~~(E) (2) In the event of a determination of substantial economic loss to a person, a special permit may be granted for the operation 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 feet in any direction from any dwellings, except that if while any construction equipment, internal combustion, or power unit is in operation, its location shall be no less than Activities involving operation of heavy equipment producing a noise level of up to 95 decibels that takes place no less than 1,200 feet in any direction from any dwelling, a permit may be allowed, by written permission granted by the City Administrator, for operation during any hour of any day. Ambient noise levels must be maintained at all property lines.~~

#### § 130.48 OUTDOOR IMPLEMENT.

(A) Except as stated, any power lawn mower, snowblower, power hedge clipper, power saw, or other implement, designed primarily for outdoor use, shall be operated only between the hours of 7:30 a.m. to 9:00 p.m. on weekdays, or between the hours of 9:00 a.m. to 9:30 p.m. on Saturdays, Sundays, and state and federal holidays.

(B) However, if the equipment operation conforms to the ~~maximum allowable sound ambient noise~~ levels as stated, it may be operated during the above prohibited hours.

**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 \_\_\_\_\_, 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.

Construction/Outdoor Equipment Noise Regulations 12/11/14

City	Construction		Domestic Outdoor		Domestic Outdoor		Refuse	Exceptions
	Weekdays	Weekends/Holidays	Equip - Weekdays	Equip - Ends/Holiday	Hauling			
Lake Elmo	7 am - 6 pm	None	7:30 am - 9 pm	9 am - 9 pm	Not Addressed	Yes - via special permit		
Woodbury	6 am - 10 pm	6 am - 10 pm	6 am - 10 pm	6 am - 10 pm	Not Addressed	City or State Authorized for safety (snow removal)		
Oakdale	7 am - 7 pm	9 am - 5 pm Sat only	Not addressed	Not addressed	Not Addressed	None		
Shoreview	7 am - 9 pm	8 am - 9 pm	8 am - 10 pm all	8 am - 10 pm all	6 am - 6 pm M-Sat	Snow removal exempt		
Plymouth	7 am - 10 pm	8 am - 9 pm	7 am - 10 pm	8 am - 9 pm	Not Addressed	None		
Richfield	7 am - 10 pm	8 am - 10 pm Sat	7 am - 10 pm	8 am - 10 pm	Not Addressed	Snowblowers 6a-10p any; 7a-10p daily if under 85dBA		
Rosemount	7 am - 10 pm	7a-7p Sat 9a-5p Sun	Not Addressed	Not addressed	Not Addressed	Emergencies where the City has granted approval		
Crystal	7 am - 10 pm	9 am - 9 pm	Same as Const	same as const	6 am - 6 pm all	Emergencies, snow and storms		
Minnetonka	7 am - 10 pm	7 am - 10 pm	7 am - 10 pm	7 am - 10 pm	Not Addressed	None		
Coon Rapids	7 am - 10 pm	7 am - 10 pm Sat	Not addressed	Not addressed	Not Addressed	By special permit		
Maple Grove	7 am - 9 pm	8 am - 9 pm	Same as Const	same as const	Not Addressed	None		
Blaine	7 am - 10 pm	7 am - 10 pm	Same as Const	same as const	Not Addressed	City or State Authorized for safety (snow removal)		
Minnetrista	7 am - 7 pm	8 am - 6 pm Sat	Not addressed	Not addressed	Not Addressed	None		
Cottage Grove	7 am - 7 pm	9 am - 7 pm Sat only	7 am - 10 pm	8 am - 9 pm	Not Addressed	None		
Lino Lakes	7 am - 7 pm	9 am - 5 pm Sat only	Resident Exempt	Resident Exempt	Not Addressed	None		
Champlain	7 am - 9 pm	7 am - 9 pm	Not addressed	Not addressed	Not Addressed	Urgent Necessity the City may grant exception		
Apple Valley	6 am - 10 pm	6 am - 10 pm	6 am - 10 pm	6 am - 10 pm	Not Addressed	Emergency Work, snow removal and street sweeping		
Chanhassen	7 am - 9 pm	9 am - 9 pm Sat only	7 am - 9 pm	8 am - 7 pm	Not Addressed	Snow Removal, Excavation & Grading, outdoor recreation and emergencies.		

Bug Zappers - 9am - 9pm all days

Print

Apple Valley Code of Ordinances

**§ 130.56 CERTAIN ACTIVITIES PROHIBITED BETWEEN 10:00 P.M. AND 6:00 A.M.**

The following activities are prohibited between the hours of 10:00 p.m. and 6:00 a.m. daily:

(A) Construction, installation and maintenance of utility and street projects, except within a public right-of-way within the ring route as defined elsewhere in this code and any section of an arterial public right-of-way as designated by the city's transportation plan which does not transverse exclusively through residential zoning districts.

(B) Operation of tools and domestic maintenance equipment powered by external air compressors or internal combustion engines. Snow removal and street-sweeping equipment are exempt from this provision;

(C) Repair and servicing of vehicles or other equipment where the noise from that activity is audible beyond the property lines on which the repair or servicing is being conducted;

(D) Construction, remodeling, repair or maintenance of structures.

('81 Code, § 14-81) (Ord. 510, passed 5-9-91; Am. Ord. 697, passed 7-26-01)

Subd. 9. Loud speakers, amplifiers for advertising, etc. It is unlawful to use or operate or permit the use or operation of any loud speaker, sound amplifier, or other device for the production or reproduction of sound when the sound is cast upon a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.

Subd. 10. Schools, churches, hospitals, etc. It is unlawful to create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents.

645.05. Hourly restriction on certain operations. Subdivision 1. Recreational vehicles. It is unlawful to, between the hours of 10 o'clock p.m. and 7 o'clock a.m., drive or operate any minibike, snowmobile or other recreational vehicle not licensed for travel on public highways.

Subd. 2. Outdoor power equipment. It is unlawful to operate a power lawn mower, power hedge clippers, chain saw, or other outdoor property maintenance equipment except between the hours of 7 o'clock a.m. and 10 o'clock p.m. on any weekday or between the hours of 9 o'clock a.m. and 9 o'clock p.m. on Saturday, Sunday or holiday. This subdivision does not apply to snow removal activities or to municipal or commercial outdoor property maintenance activities except that commercial activities must not unreasonably disturb the peace, quiet, and comfort of nearby residents. In the case of emergencies resulting from unforeseen causes such as snow or wind storms this section does not apply to reasonable and necessary remedial actions.

Subd. 3. Refuse hauling. Garbage and refuse may not be collected or removed between the hours of 10 p.m. and 6 a.m. on a weekday or between the hours of 9 p.m. and 6 a.m. on Saturday, Sunday or a legal holiday.

Subd. 4. Construction activities. It is unlawful to engage in or permit construction activities involving the use of any kind of electric, diesel, or gas powered machine or other power equipment except between the hours of 7 o'clock a.m. and 10 o'clock p.m. on any weekday and 9 o'clock a.m. and 9 o'clock p.m. on Saturday, Sunday or holiday.

645.07. Receiving land use standards. Subdivision 1. Maximum noise levels by receiving land use. It is unlawful to operate or cause to be operated any source of noise in such a manner as to create a noise level exceeding the limit set in table I for the receiving land use category specified when measured at or within the property line of the receiving land use.

Print

Minnetonka Code of Ordinances

**850.015. Operational Limits for Various Sound Sources.**

1. A person must not engage in, permit, or allow construction or grading activities involving the use of power equipment, or other activities resulting in unreasonably loud or disturbing noise for a person of ordinary sensitivity at any time other than between 7:00 a.m. and 10:00 p.m.
2. A person must not operate outdoor power implements including, but not limited to, power lawn mowers, power hedge clippers, power saws, or other such implements at any time other than between 7:00 a.m. and 10:00 p.m. Operation of equipment for snow removal is exempt from the provisions of this section when initiated within 12 hours of completion of a recent snowfall.
3. A person must not drive or operate a minibike, snowmobile, or other similar recreational vehicle not licensed for travel on public streets at any time other than between 7:00 a.m. and 10:00 p.m. on any day of the week.

(Amended by Ord. #2003-29, adopted by December 15, 2003)



**8-403 - Kinds of Unlawful Noises.**

The following acts, among others, are misdemeanors, but said enumeration shall not be deemed to be exclusive, namely:

- (1) Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is, for any reason, held up.
- (2) Electronic Sound Systems.
  - (a) No person shall use or operate or permit the use or operation of, any electronic sound system or audio equipment including, but not limited to, compact disc player, cassette tape player, AM-FM radio, television, citizen band radio, paging system, musical instrument, phonograph, electronic game, computer, or other device for the production of or reproduction of sound, in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby.
  - (b) The operation of any such electronic sound system or audio equipment between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which the device is located, in the common areas for an adjacent residential unit in a multiple housing structure, regardless of the number of units, or at a distance of 50 feet or more from the device which is the source of the noise, wherever located, shall be prima facie evidence of a violation of this subsection. For the purposes of this subsection, "adjacent residential unit" shall mean any residential unit situated next to, across from, above, or below the location of the device.
  - (c) When noise violating this subsection is produced by an electronic sound system or audio equipment that is located in or on a vehicle, the driver of the vehicle and the person who owns, or is in control of, the vehicle may be guilty of the violation.
  - (d) This subsection does not apply to sound produced by the following:
    - (i) Sound or audio equipment used in connection with activities authorized, sponsored, or permitted by the City of Coon Rapids provided the activity is conducted pursuant to the conditions of any license, permit, contract or other City approval authorizing the activity;
    - (ii) Church bells, chimes or carillons, school bells, or emergency civil defense sirens;
    - (iii) Anti theft devices; or
    - (iv) Machines or devices for the production of sound on or in authorized emergency vehicles.

*[Revised 5/19/98, Ordinance 1634]*

(3)

- Loud Speakers, Amplifiers for Advertising. The using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing on public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to be reasonably likely to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
  - (5) Animals, Birds, etc. The keeping of any animal or bird which, by causing frequent or long, continued noise, shall disturb the comfort or repose of any persons in the vicinity.
  - (6) Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper City authorities.
  - (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom; provided that the exhausts without mufflers may be used for racing by special permission by the City Council.
  - (8) Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
  - (9) Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
  - (10) Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration, or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m. on Saturdays and other weekdays, except in case of urgent necessity in the interest of the public health and safety, and then only with a permit from the City Manager, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the City Manager should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 10:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 10:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
  - (11) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, court, church, or hospital unreasonably interfering with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, court, church, or hospital street.
  - (12) Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

- (13) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.
- (14) Metal Rails, Pillars, and Columns, Transportation Thereof. The transportation of rails, pillars, or columns of iron, steel, or other material over and along streets and other public places upon carts, drays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) Street Railway Cars, Buses, etc., Operation Thereof. The causing, permitting, or continuing of any excessive, unnecessary, and avoidable noise in the operation of a street railway car, bus, or other public vehicle.
- (16) Pile Drivers, Hammers, etc. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, bulldozer, or other appliance, the use of which is attended by loud or unusual noise. The City Manager is authorized to permit longer work hours on a showing of good cause.
- (17) Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (18) Building Openings. No commercial or industrial structure adjacent or in close proximity to any residential district shall maintain a building opening so as to allow the emission of noise, provided that such structures may allow a temporary building opening to allow the movement of vehicles or equipment. "Noise" here means any sounds not common in residential districts. In any criminal action, the shift supervisor or manager of the establishment at the time of the violation is deemed responsible for the violation.

**Sec. 20-85. - Construction activities.**




Within 500 feet of any residentially zoned property (other than R-A), no person shall engage in, permit, or allow construction activities involving the use of manual tools, movement of equipment or power equipment, including, but not limited to, any kind of electric, diesel, or gas-powered machine, at any time other than between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and 8:00 a.m. and 9:00 p.m. on public holidays, Saturdays and Sundays.

*(Code 1984, § 911:20)*

**Cross reference**— Buildings and building regulations, ch. 8.

# Blaine, MN

Browse  Results

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-  Chapter 50 - OFFENSES AND MISCELLANEOUS PROVISIONS
-  ARTICLE IV. - OFFENSES INVOLVING PUBLIC PEACE AND ORDER

## DIVISION 2. - NOISE

Sec. 50-201. - Intent of division.

Sec. 50-202. - General prohibition.

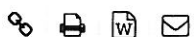
Sec. 50-203. - Prohibited noises and acts.

Secs. 50-204—50-230. - Reserved.

## **DIVISION 2. - NOISE**



### **Sec. 50-201. - Intent of division.**



The purpose of this division is to protect and promote the public health, safety and general welfare by restricting activities which emit noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any persons, or precludes their enjoyment of property, or adversely affects their property's value.

*(Code 1980, § 11-80; Ord. No. 97-1645, 3-6-1997)*

### **Sec. 50-202. - General prohibition.**



No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety or welfare of any persons, or precludes their enjoyment of property, or adversely affects their property's value. This general prohibition is not limited by the specific prohibitions contained in section 50-203.

(Code 1980, § 11-81; Ord. No. 97-1645, 3-6-1997)

### Sec. 50-203. - Prohibited noises and acts.



The noises and acts set forth in the following subsections are declared to be prohibited noises in violation of this division, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns and signaling devices.* No person shall sound any horn or signaling device on any vehicle, except as a warning of danger, as required by Minn. Stat. § 169.68;
- (2) *Radios, phonographs, paging systems, and similar devices.* No person shall use or operate, or permit the use or operation of, any electronic sound system or audio equipment including, but not limited to, any compact disc player, cassette tape player, AM-FM radio, citizen band radio, paging system, musical instrument, phonograph, or any other device designed for the production or reproduction of sound, in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby.
  - a. It shall be presumed that a violation of this section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m. It shall be presumed that a violation of this section has occurred when any electronic sound or audio equipment is operated in a manner in which it is plainly audible, at a distance of 100 feet or more, between the hours of 7:00 a.m. and 10:00 p.m.;
  - b. When noise violating this section is produced by an electronic sound system or audio equipment that is located in or on a vehicle, the driver of the vehicle and the person who owns, or is in control of, the vehicle may be guilty of the violation;
  - c. This section shall not apply to sound produced by the following:
    1. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
    2. Church bells, chimes or carillons, school bells, or emergency civil defense warning signals;
    3. Antitheft devices;
    4. Machines or devices for the production of sound on or in authorized emergency vehicles;
- (3) *Loudspeakers, amplifiers for advertising.* No person shall operate or permit the use of operation of any electronic sound system, audio equipment, loudspeaker, sound amplifier, or any other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle;

- (4) *Exhausts.* No person shall discharge or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device which effectively prevents loud or explosive noises which complies with all applicable state laws and regulations;
- (5) *Construction-related activities.* No person shall engage in the following activities between the hours of 10:00 p.m. and 7:00 a.m. daily:
  - a. Construction, installation and maintenance of utility and street projects;
  - b. Operation of tools and domestic maintenance equipment powered by external air compressors or internal combustion engines including, but not limited to, use of lawn mowers, hedge clippers, chain saws, mulchers, garden tillers, edgers, or other similar domestic power maintenance equipment. Snow removal and street sweeping equipment are exempt from this subsection;
  - c. Repair and servicing of vehicles or other equipment where the noise from that activity is audible beyond the property lines on which the repair or servicing is being conducted;
  - d. Exterior construction, remodeling, repair or maintenance of structures;
  - e. Exceptions: The performance of city or state authorized, sponsored, or licensed work to preserve the public health, safety or welfare, or in the performance of work necessary to restore public service or eliminate a public hazard shall be exempt from the restrictions of this section. Any person responsible for such work shall take all reasonable actions to minimize the amount of noise;
- (6) *Noisy parties and gathering.* No person shall permit or participate in any party or other gathering of people, on public or private property, giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. It shall be presumed that a violation of this section has occurred when any noise from a gathering is plainly audible, at a distance of 50 feet or more, between the hours of 10:00 p.m. and 7:00 a.m.:
  - a. When a police officer has probable cause that a violation of this section has occurred the officer may order all persons present, other than the owner or tenant of the premises, to disperse and leave the premises immediately. It shall be a violation of this section for any person to refuse to leave after being so ordered by the police officer;
  - b. Exceptions: The following are exempt from violation of this section:
    1. Activities which are duly authorized, sponsored or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity;
    2. Persons who have gone to a party for the sole purpose of abating the violation.

(Code 1980, § 11-82; Ord. No. 97-1645, 3-6-1997)

**Secs. 50-204—50-230. - Reserved.**





## **Section 1005 – Noise**

### **1005.01. Noise prohibited.**

It is unlawful to make or cause to be made any noise that unreasonably annoys, injures or endangers the comfort, repose, health, peace, safety, or welfare of others or precludes their enjoyment of property or adversely affects the value of the property.

### **1005.03. Noise regulations.**

Operation of earth moving or related construction equipment for which a building permit, grading permit or other city approval is required shall be restricted to the hours of 7:00a.m. through 7:00p.m. Monday through Friday and 8:00 a.m. through 6:00 p.m. on Saturday. No such equipment shall be operated on Sunday, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day unless otherwise approved by the city council.

### **1005.05. Enforcement.**

#### Subdivision 1. Authorization..

This section may be enforced by a licensed peace officer or a code enforcement officer designated by the city in accordance with section 115.09.

#### Subd. 2. Notice.

For violations of section 1005.01, the enforcement officer must issue a warning to the owner or occupant of the premises where the noise originates and order such person to correct or remove each specified violation within the reasonable time. No such warning shall be necessary for violation.

#### Subd. 3. Citation.

If the violation of section 1005.01 is not corrected within the time prescribed in the warning, the enforcement officer may issue a citation. Each time a violation is confirmed by the police or city, it will constitute a separate violation

#### Subd. 4. Penalty.



# Noise Level Chart

A noise level chart showing examples of sounds with dB levels ranging from 0 to 180 decibels.

dB	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
...			

# Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level  $I_1 = 95$  dB  
at distance

$d_1 = 2$  m = 6.561679 ft

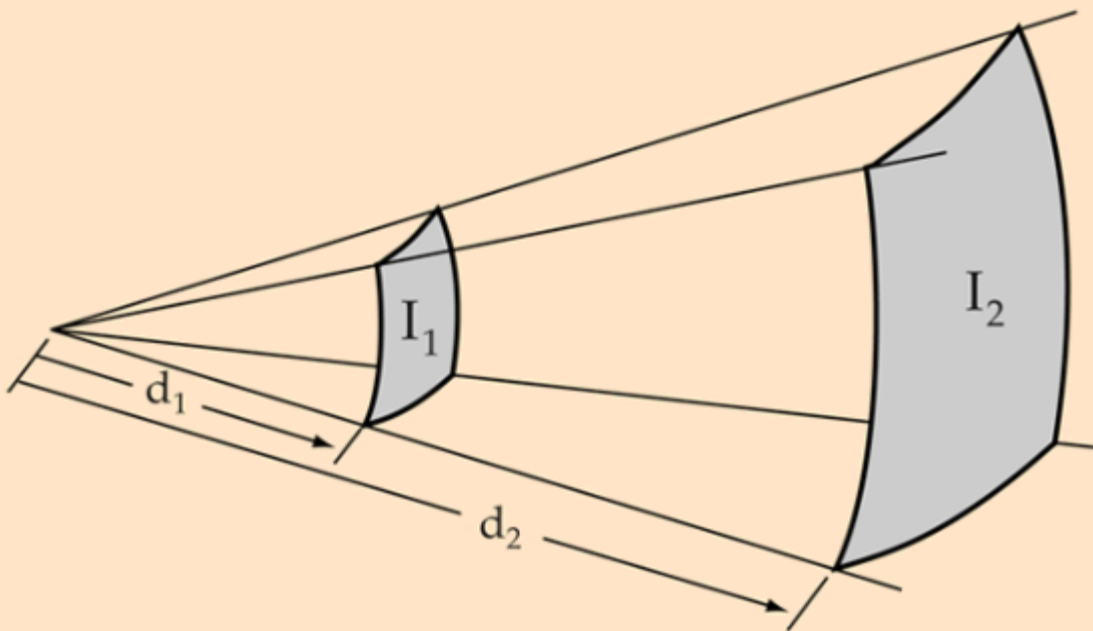
$$\frac{I_2}{I_1} = \left[ \frac{d_1}{d_2} \right]^2$$

then at distance

$d_2 = 365.76$  m = 1200 ft

the inverse square law predicts a sound level

$I_2 = 49.75667$  dB



## PLANNING COMMISSION

### § 32.025 ESTABLISHMENT.

A Planning Commission is continued in the city.

(1997 Code, § 210.01)

### § 32.026 PURPOSE.

The Planning Commission is established to meet the requirements of state statute; to develop and enforce the Comprehensive Plan and amendments to the plan, subject to Council approval and the requirements of the Municipal Planning Act; and to review and make recommendations on subdivisions, zoning applications, planned unit developments, and site and building plans as provided by ordinance. No expenditures by the Commission shall be made unless and until authorized for the purpose by the Council.

(1997 Code, § 210.02)

### § 32.027 COMPOSITION.

(A) *Generally.* The Planning Commission shall consist of 7 voting members and 2 non-voting alternate members. The voting members shall be appointed for a 3-year term so that only 1/3 of the appointments will expire on December 31 of each year. Voting members may not serve more than 2 consecutive terms. Appointment to an additional term(s) will be considered with the available applicant pool. Alternate members shall be appointed to serve until there is a vacancy on the Planning Commission. The City Council shall appoint a first alternate and a second alternate who shall become voting members in the order of their appointment upon a vacancy on the Commission.

(1997 Code, § 210.03) (Am. Ord. 97-96, passed 1-15-2002; Am. Ord. 97-147, passed 2-15-2005; Am. Ord. 97-200, passed 11-5-2007; Am. Ord. 08-046, passed 6-21-2011)

(B) *Special appointments.*

(1) At the discretion of the City Council, up to 5 additional appointments can be made to the Planning Commission, for each special project, including but not limited to Environmental Management, Maintenance Advisory, and the Old Village, to assist with special projects currently in process, or directed by the City Council to be studied, drafted, and completed.

(2) The term of the special appointments shall expire 2 years from the date of appointment, or upon completion of the special project, whichever is first. Any special appointee may request reappointment if the specific project is not completed in that time.

(3) (a) Special project appointees shall have full voting privileges only on issues specifically related to the special project.

(b) Full voting privileges for the regular Planning Commission shall remain consistent with this section.

(Ord. 97-67, passed 1-2-2001; Am. Ord. 97-70, passed 1-16-2001)

### § 32.028 QUALIFICATIONS.

Each member and alternate member shall be a resident of the city. Wherever possible, Commission members should represent all geographical areas of the city and a cross-section of the population of the city at the time of appointment.

(1997 Code, § 210.04)

#### **§ 32.029 REMOVAL.**

Any member or alternate member may be removed by a 4/5 vote of the Council, for cause. Cause shall include but not be limited to having more than 3 consecutive absences or being absent from more than 1/3 of the meetings in any 1 calendar year. The Council may consider exceptional circumstances when applying this rule.

(1997 Code, § 210.05)

#### **§ 32.030 OFFICERS.**

The Commission shall elect a Chairperson, a Vice Chairperson, and a Secretary from among its appointed members at the annual meeting each year, for a term of 1 year. The Chairperson shall preside at all meetings of the Commission, if present, and shall perform all other duties and functions required by state statute or assigned by the Commission or the Council. The Vice Chairperson shall perform these duties in the absence of the Chairperson. If a vacancy occurs in the Chairperson's office, the Vice Chairperson shall assume the Chairperson's duties for the remainder of the year, and a new Vice Chairperson shall be elected by the Commission at a special election to be held at the next regularly scheduled Commission meeting, after at least 2-days written notice to each Commission member. The Secretary shall perform those duties assigned by state statute only. A recording Secretary shall be appointed by the Council to take and keep the minutes and records of the Commission.

(1997 Code, § 210.06)

#### **§ 32.031 ANNUAL MEETINGS.**

(A) The Commission shall hold an annual meeting the second Monday in the month of January in each year.

(B) The meeting shall be devoted to the election of officers and other business as shall be scheduled.

(1997 Code, § 210.07)

#### **§ 32.032 ANNUAL WORK PLAN.**

The Planning Commission shall meet with the Council at the Commission's first meeting in September each year to develop an annual work plan, including a list of projects, points of interaction on projects, programs, and goals for the following year.

(1997 Code, § 210.08)

#### **§ 32.033 REGULAR MEETINGS.**

Regular meetings shall be held in the City Hall at 7:00 p.m. on the second and fourth Mondays of each month. No action shall be taken in the absence of a quorum except to adjourn the

meeting to a subsequent date. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting or if there are no scheduled agenda items on the Thursday prior to the meeting. All action taken by the Commission shall be by the affirmative vote of a majority of the members present.

(1997 Code, § 210.09)

#### **§ 32.034 SPECIAL MEETINGS.**

Special meetings of the Commission shall be held in the City Hall at a time and place designated or at a public place at a time designated and shall be called by the Chairperson. Upon the written request of at least 4 members, the Chairperson shall be required to call a special meeting to be held within 7 days of the request. Written notice of the meeting shall be given to all members not less than 3 working days in advance of the meeting.

(1997 Code, § 210.10)

#### **§ 32.035 QUORUM.**

A quorum shall consist of 4 members.

(1997 Code, § 210.11) (Am. Ord. 97-14, passed 9-2-1997; Am. Ord. 08-046, passed 6-21-2011)

#### **§ 32.036 VOTING.**

Each member attending any meeting shall be entitled to cast 1 vote. Voting shall be by voice vote. If any member has a personal interest of any kind in the matter before the Commission, the member shall disclose the interest and be disqualified from voting upon the matter. The Secretary shall record in the minutes that no vote was cast by that member. Alternate members shall be entitled to cast 1 vote in the absence of any member. The second alternate shall be entitled to cast 1 vote in the absence of any 2 members.

(1997 Code, § 210.12)

#### **§ 32.037 PROCEEDINGS.**

At any regular meeting of the Commission, the following shall be the regular order of business:

- (A) Roll call;
- (B) Approval of agenda;
- (C) Minutes of the preceding meeting;
- (D) Public hearings as scheduled on the agenda;
- (E) Old and new business as scheduled on the agenda;
- (F) Communications;
- (G) Other; and
- (H) Adjournment.

(1997 Code, § 210.13)

### **§ 32.038 RULES OF PROCEDURE.**

All meetings of the Commission shall be conducted in accordance with the Revised Robert's Rules of Order.

(1997 Code, § 210.14)

### **§ 32.039 AGENDA.**

The Chairperson shall cause all items to be considered at any meeting to be placed on a written agenda by the City Administrator or an appointed designee. The City Administrator, or appointed designee, shall advise the Chairperson of any matters the Commission must consider by Council directive, ordinance, or statute and shall have prepared and supply a written agenda of all meetings to all Commission members, the Council, and the public no less than 4 days before each meeting.

(1997 Code, § 210.15)

### **§ 32.040 RECORDS.**

Each formal action of the Commission shall be embodied in full upon the minute book as formal motion or resolution. The minutes of each meeting shall be provided to each member, the Council, and the public no more than 7 days after the date of each meeting. The recommendations and findings of the Commission shall be presented to the Council at the next regularly scheduled Council meeting. The records of meetings and actions and recommendations shall be transmitted to the City Administrator, or appointed designee, for keeping and distribution.

(1997 Code, § 210.16)

### **§ 32.041 TRAINING.**

Commission members shall be encouraged to avail themselves of training courses offered by the city, the state, and other government and public training agencies and the Council shall budget for the reimbursement of expenses incurred in training each year.

(1997 Code, § 210.17)

### **§ 32.042 DUTIES AND POWERS OF THE COMMISSION; COMPREHENSIVE PLAN.**

(A) *Plan.* The Planning Commission shall have the powers and duties given city planning agencies generally by law. The Commission shall also exercise the duties conferred upon it by this code. It shall be the purpose of the Planning Commission to prepare and adopt a Comprehensive Plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan, and other matters relating to the physical development of the city. The plan may be prepared in sections, each of which shall relate to the Comprehensive Plan program. After the Commission has prepared and adopted the Comprehensive Plan, it shall periodically, but at least every 5 years, review the Comprehensive Plan and any ordinances or program implementing the plan.

(B) *Means of executing plan.* Upon the adoption of a Comprehensive Plan or any section, it shall be the concern of the Planning Commission to recommend to the Council reasonable and practicable means for putting into effect the plan or section in order that the same will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan shall, among other things, consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the Council.

(C) *Zoning ordinance.* The Planning Commission shall review all proposed amendments to the zoning ordinance, take part in public hearings, and make recommendations to the Council as may be prescribed by the zoning ordinance.

(D) *Conditional use permits.*

(1) The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance.

(2) The Commission shall report its recommendations to the Council for action.

(E) *Subdivisions.* The Planning Commission may make recommendations in relation to the subdividing of land as prescribed by the ordinance; the Commission shall report its recommendations to the Council for action.

(F) *Variances.* The Planning Commission shall hear all variance requests from the literal provisions of this code, and shall follow the guidelines set forth in the zoning code.

(G) *Capital Improvement Program.*

(1) (a) The Planning Commission shall endeavor to obtain from city officers a descriptive list of proposed improvements for the ensuing 5-year period.

(b) The Planning Commission shall also request from the local school district a similar list of its proposed public works.

(2) (a) The Planning Commission shall list and classify all the proposed public works and shall prepare a coordinated program of proposed public works for the ensuing year and for a projected 5-year period.

(b) The program shall be recommended by the Planning Commission to the Council and to the other officers, departments, boards, or public bodies as have jurisdiction over the recommended planning or construction of the public works.

(1997 Code, § 210.18)