

ORDINANCE

By Quincy and Palmisano

Amending Title 5 of the Minneapolis Code of Ordinances relating to Building Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 119 to read as follows:

CHAPTER 119. – AIRCRAFT NOISE ATTENUATION

119.10. - Definitions. The following terms shall have the following definitions for the purpose of this chapter:

Additions. Any extension or expansion of an existing building footprint, including any increase of year-round habitable indoor space, occupancy or use.

Annual contour map. The map of noise contours depicting city blocks with homes that are within or touched by the DNL 60-64 contours based on noise contours developed annually pursuant to Section 8.1(d) of the original Consent Decree and pursuant to the First Amendment to Consent Decree or pursuant to any other legally binding document designed or intended to supplement or add to the noise mitigation required under the original Consent Decree.

Appurtenance. The visible, functional, or ornamental objects accessory to and part of a building not normally occupied by people including garages and accessory buildings; and other unconditioned spaces including screen porches, gazebos, decks.

Central air conditioning. An air conditioning system which uses ducts to distribute cooled and/or dehumidified air to more than one (1) room, or uses pipes to distribute chilled water to heat exchangers in more than one (1) room, and which is not plugged into a standard electrical outlet. With a typical split system, the compressor and condenser are located in an outdoor unit; the evaporator is mounted in the air handling unit (which is often a forced air furnace). With a package system, all components are located in a single outdoor unit that may be located on the ground or roof.

Consent decree. The Consent Decree signed on October 19, 2007 by Judge Stephen C. Aldrich of the Minnesota District Court, 4th Judicial District in that action entitled *City of Minneapolis et al v. Metropolitan Airports Commission et al.*, the First Amendment To Consent Decree, and any amendments thereto or any subsequent Consent Decree or other document designed or intended to supplement or add to the noise mitigation provided under the original Consent Decree, unless the context clearly indicates a different meaning.

dBA. A unit of sound pressure level weighted by use of the A metering characteristics and weighting as specified in the American national standards institute specification for sound level meters (ANSI S1.4-1983), which is hereby incorporated by reference. "dBA" is also referred to as an A-weighted decibel.

DNL. The day-night average level, or the twenty-four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten (10) dBA to sound levels measured from 10:00 p.m. to 7:00 a.m.

First Amendment To Consent Decree. The document that was entered into by the parties to the original Consent Decree in May 2013 and signed on September 25, 2013 by Judge Ivy S. Bernhardson of the Minnesota District Court, 4th Judicial District in that action entitled *City of Minneapolis et al v. Metropolitan Airports Commission et al.* which provides for additional noise mitigation based on the Annual Contour Map.

Infill development. A vacant parcel or parcels of land proposed for development of uses similar to or less noise sensitive than the surrounding developed parcels including, but not limited to a new house on a vacant lot in a residential neighborhood.

Major development. A parcel of land greater than two and one-half (2.5) acres with existing structures which are proposed to be extensively rehabilitated or demolished for different uses. For example, demolition of an entire block of old residential, office and hotel buildings for new housing, office, commercial uses or conversion of warehouse to office and commercial uses.

Mechanical ventilation. Controlled, purposeful introduction of outdoor air to the conditioned space. The primary purpose of a whole-house mechanical ventilation system in a home is to provide, throughout the habitable and conditioned space, a controlled amount of unpolluted outside air for indoor pollutant dilution and removal, for the sensory satisfaction of occupants and to control interior moisture and indoor air quality.

New development. A vacant parcel or parcels of land in excess of one (1) acre or requested to be rezoned for development. For example, a residential subdivision, industrial park or shopping center.

Noise attenuation. The reduction in sound level which occurs between the source and receiver by means of construction methods and materials.

Reconstruction of existing structures. Replacing an existing building to accommodate the same use that existed before destruction or reconstruction, including indoor occupancy and use.

Sound transmission class (STC). A single number rating for describing the degree of sound transmission loss specified for a wall, window, partition or other building element based on laboratory testing. The higher the STC, the more attenuation the building element will afford. Sound transmission loss performance shall be tested per American Society of Testing Materials (ASTM) E90 and STC rating method per ASTM E413. The same data shall be used to determine the A-weighted Noise Level Reduction (ANLR). The testing laboratory shall be certified by the National Institute of Science and Technology's, "National Voluntary Laboratory Accreditation Program" (NVLAP).

119.20. - Noise attenuation. It is in the best interests of the city and of current and future residents that the integrity of all residential structures which have received a five (5) dB or other sound insulation package from the Metropolitan Airports Commission be maintained subject to the following:

(1) *Noise attenuation required—Expansion.* Whenever construction of a habitable addition to a dwelling unit is undertaken which expands the habitable area of a dwelling unit which had previously

received a five (5) db sound insulation package from the Metropolitan Airports Commission pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission, the construction must include installation of central air conditioning or mechanical ventilation for the expanded area. Such construction shall utilize materials with a sound transmission class (STC) rating of at least forty (40) in order to achieve similar noise attenuation in the expansion of the structure as existed in the principal structure prior to expansion.

(2) *Noise attenuation required —Infill or tear down/rebuild residential construction.* Infill construction or rebuilding of residential structures after tearing down the original structure which takes place within blocks or between structures that had previously received a five (5) db sound insulation package pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall utilize building materials with a sound transmission class (STC) rating of at least forty (40) and shall include installation of central air conditioning or mechanical ventilation throughout the habitable areas of the structure.

(3) *Requirement within the 60—62 Contours.* Construction of new single family homes located in blocks or between structures that have received noise attenuation pursuant to the Consent Decree that are in the 60 to 62 DNL contours as defined in the Consent Decree shall include installation of central air conditioning or mechanical ventilation throughout the habitable portion of the structure.

(4) *Requirement for multiple-family homes within the 60—64 Contour.* Construction of new multiple family homes in blocks that have received noise attenuation pursuant to the Consent Decree or which are between structures which have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall install central air conditioning or mechanical ventilation throughout the habitable portions of the structure.

119.30. - Application of provisions. The provisions of Section 119.20 shall apply to all new development, major redevelopment, infill development, construction and reconstruction of a building, and any habitable additions or expansions of an existing building requiring a building permit after January 1, 2009. This chapter shall not apply to remodeling or rehabilitation of an existing residential building; construction of decks, swimming pools, breezeways, three-season porches or the construction of an appurtenance to an existing residential building.