

## After Hours Construction Regulation City-by-City Comparison

CITY	CONTACT	NOTES
Houston	Houston Administration & Regulatory Affairs (832) 394-8801	<p>Section 30-5 establishes maximum permissible sound levels:</p> <p>(a) In addition to the violations established by the preceding sections of this chapter, it is unlawful for any person to make, assist in making, permit, continue, cause to be made or continued, or permit the continuance of any sound at any location beyond the property lines of the property on which the sound is being generated that when measured as provided in section 30-6 of this Code exceeds the applicable dB(A) level listed below for the property on which the sound is received:</p> <p>(1) Residential property:</p> <ul style="list-style-type: none"> <li>a. 65 dB(A) during daytime hours.</li> <li>b. 58 dB(A) during nighttime hours.</li> </ul> <p>(2) Nonresidential property: 68 dB(A) at all times.</p> <p>Any sound that exceeds the dB(A) levels set forth in this section under the conditions and measurement criteria set forth in this chapter is a violation of this chapter. Evidence that an activity or sound source produces a sound that exceeds the dB(A) levels specified in this section shall be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.</p> <p>(b) Regardless of the measurable dB(A) level established in this chapter and measured in a manner provided in section 30-6, the creation of any sound causing persons occupying or using any property other than the property upon which the sound is being generated to be aware of vibrations or resonance caused by the sound shall be prima facie evidence of a sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in violation of this chapter.</p> <p>Section 30-16(5) establishes an affirmative defense for: "the erection, excavation, construction, or demolition of any building or structure, including the use of any necessary tools or equipment, conducted between the hours of 7 a.m. and 8 p.m., which activity did not produce a sound exceeding 85 dB(A) when measured from the property line of the residential property where the sound is being received. "</p> <p>SUMMARY: Overnight work may not exceed 58dB when received by residential properties and 68dB when</p>

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		<p>received at nonresidential properties. Staff at the City of Houston was unaware of any process allowing for after-hours construction/concrete installation noise beyond what is permitted in section 30-5.</p> <p>GEOGRAPHIC LIMITATIONS: Different decibel limits for residential and nonresidential properties.</p>
Dallas	Public Works Dept. (214) 670-5111	<p>Section 30-2(8) "The following loud and disturbing noises and vibrations are presumed to be offensive to the ordinary sensibilities of the inhabitants of the city:... Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays, except that the director of public works may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the director of public works to be necessary for the public health, safety, or welfare. For purposes of this paragraph, "legal holidays" include New Year's Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25)."</p> <p>SUMMARY: Construction activity adjacent to residential uses is limited to the hours of 7:00am-7:00pm Monday-Friday and 8:00am and 7:00pm on Saturdays and legal holidays. A waiver is available per Melany Martinez. A request is emailed or mailed to the Public Works Dept. The director will send a staff member to the field to evaluate the request (considering traffic concerns, public safety issues, etc...) and requires the requestor to notify properties within 300ft of the construction site at least 48 hours prior to the after-hours work. Authorization will be revoked based on complaints, but this is done on a case by case basis (usually a high volume of complaints, etc...) unless there is an urgent need or public benefit to the work. There is no fee for the waiver. Waivers are usually granted for a week or two at a time, but will be renewed if there are no major issues.</p> <p>GEOGRAPHIC LIMITATIONS: Waivers may issued citywide, but the applicant must meet guidelines set by the Public Works director which are the same citywide.</p>

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San Antonio	Development Services Department 210.207.6000	<p>Section 21-52 (a)(6) prohibits “The erection, including construction, excavation, demolition, alteration, or repair work, or the permitting or causing thereof, of any building or other structure, or the operation or the permitting or causing the operation of any tools or equipment used in construction, excavation, drilling, demolition, alteration or repair work: a.) Other than during the daytime on week days; or b.) At anytime such that the sound level at or across a real property boundary exceeds 80dBA. c.) This section shall not apply in cases of urgent necessity in the interest of public safety, or in cases of public convenience, including city sponsored or co-sponsored fiestas, parades, and public events.”</p> <p>SUMMARY: The section limits construction to during the daytime on weekdays only and sets a maximum sound level of 80dB. This section does not apply in cases of urgent necessity in the interest of public safety, or in cases of public convenience, but staff at the City of San Antonio was unaware of any permit process that would specifically allow for after-hours construction/concrete installation noise.</p>
Fort Worth	Planning & Development, 817-392-2222	<p>Section 23-8(d)(2)(c): Construction work. Noise created by construction work within three hundred (300) feet of an occupied residential structure involving the erection, excavation, demolition, alteration, or repair of any building, structure, or flatwork is prohibited as follows: Before 7:00 a.m. or after 8:00 p.m. Monday—Friday. Before 9:00 a.m. or after 8:00 p.m. Saturday—Sunday</p> <p>SUMMARY: Within 300ft of occupied residential structures construction causing noise is limited to 7:00am-8:00pm Monday-Friday and 9:00am-8:00pm Saturday &amp; Sunday. Beyond 300ft there are no limits specific to construction work. Staff at the City of Fort Worth confirmed that after-hours construction work/concrete installation is not permitted.</p> <p>GEOGRAPHIC LIMITATIONS: Noise regulations apply citywide.</p>
Chicago	Department of Environment	<p>Section 8-32-140: (a) No person shall use or cause the use of any mechanical equipment or tool operated by fuel or electric power in building, construction, repair or demolition operations between the hours of 8:00 P.M. and 8:00 A.M. within 600 feet of any residential building or hospital.</p>

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		<p>(b) The limitation of this section does not apply to any construction, demolition or repair work of an emergency nature or to work on public improvements authorized by a governmental body or agency.</p> <p>(c) This section may be enforced by designated employees of the departments of police, buildings, business affairs and consumer protection, fire, finance, streets and sanitation, transportation and planning and development, who are authorized to issue citations for violations.</p> <p>SUMMARY: Within 600ft of a residential building or hospital construction work or demolition is limited to the hours of 8:00pm and 8:00am. Beyond 600ft there are no limits specific to construction work. These limits do not apply to work of an emergency nature or to public improvements authorized by a government body, but staff at the City of Chicago was unaware of any permit process that would specifically allow for after-hours construction/concrete installation noise within 600ft of a residence or hospital.</p>
Los Angeles*	LAPD Noise Enforcement Team (213) 996-1250	<p>Section 41.40: (a) No person shall, between the hours of 9:00 P.M. and 7:00 A.M. of the following day, perform any construction or repair work of any kind upon, or any excavating for, any building or structure, where any of the foregoing entails the use of any power driven drill, riveting machine excavator or any other machine, tool, device or equipment which makes loud noises to the disturbance of persons occupying sleeping quarters in any dwelling hotel or apartment or other place of residence. In addition, the operation, repair or servicing of construction equipment and the job-site delivering of construction materials in such areas shall be prohibited during the hours herein specified. Any person who knowingly and wilfully violates the foregoing provision shall be deemed guilty of a misdemeanor punishable as elsewhere provided in this Code. (Amended by Ord. No. 158,587, Eff. 1/29/84.)</p> <p>(b) The provisions of Subsection (a) shall not apply to any person who performs the construction, repair or excavation work involved pursuant to the express written permission of the Board of Police Commissioners through its Executive Director. The Executive Director, on behalf of the Board, may grant this permission, upon application in writing, where the work proposed to be done is in the public interest, or where hardship or injustice, or unreasonable delay would result from its interruption during the hours mentioned above, or where the building or structure involved is devoted or intended to be devoted to a use immediately related to public defense. The provisions of this section shall not in any event apply to construction, repair or excavation</p>

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		<p>work done within any district zoned for manufacturing or industrial uses under the provisions of Chapter I of this Code, nor to emergency work necessitated by any flood, fire or other catastrophe. (Amended by Ord. No. 178,160, Eff. 2/12/07.)</p> <p>SUMMARY: Construction work is limited to 7:00am-9:00pm if it disturbs a person occupying sleeping quarters in a residence or hotel. There are no limits if no residents or hotels are disturbed. A waiver is available per LAPD Officer Hernandez. A variance may be obtained from LAMC. Application is submitted along with fee of \$248 to LAPD Executive Office. If the area request is in commercial area, request is automatically granted. If site is within 500ft of a residence, hospital, church or hotel, LAPD Officer will do on the ground investigation and interview neighboring residences, etc... If a majority of residences approve, permit is granted. Permit is rescinded to there are too many complaints or if company misrepresents type of work undertaken. Permits last 3-4 months with 3-4 month extensions if there are no issues. No permit required for emergency repairs.</p> <p>GEOGRAPHIC LIMITATION: Permits may be issued citywide, however in some areas there is additional scrutiny.</p>
Boston*	<p>Inspectional Services Department 617.635.5300</p>	<p>Section 16-26.4: No erection, demolition, alteration, or repair of any building and excavation in regard thereto, except between the hours of 7:00 a.m. and 6:00 p.m., on weekdays or except in the interest of public safety or welfare, upon the issuance of and pursuant to a permit from the Commissioner, Inspectional Services Department, which permit may be renewed for one or more periods of not exceeding one week each.</p> <p>SUMMARY: All construction activity is limited to the hours of 7:00am-6:00pm. A permit to exceed the construction limit is available per Ann Horgan. Permits may be issued for up to a week for any type of construction work after hours permitted by code. Permits are issued if requested (except in politically sensitive parts of town where requests are approved by the Building Official first.) If justified complaints are received in either case, no further permits will be issued. Applicants submit application and pay \$100 fee. Permit can be renewed every week. A list of approved projects is posted online and sent to mayor's office, etc.</p> <p>GEOGRAPHIC LIMITATION: Permits are issued citywide; however in some areas, there is additional scrutiny.</p>

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Portland	Noise Control Office, (503) 823-7350	<p>City code Section 10.10.060: A. Maximum sound levels: No person shall operate any equipment or appurtenances thereto in commercial construction activities which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard shall not apply to trucks (see Section 18.10.020), pile drivers, pavement breakers, scrapers, concrete saws and rock drills.</p> <p>B. Night, weekend, and legal holidays limitation: From 6:00 p.m. to 7:00 a.m. the following morning, and 6:00 p.m. Saturday to 7:00 a.m. the following Monday, and on legal holidays, the permissible sound levels of Section 18.10.010 shall apply to all construction activities except by variance or for reasons of emergency. The exempted equipment of Section 18.10.060 A is not exempted during these hours. For purposes of this Subsection, construction activities on a public road within a zone shall be considered as taking place on private property within that zone.</p> <p>C. The adjustments to permissible sound levels established in Section 18.10.010 B (section includes images, view here: <a href="http://www.portlandonline.com/auditor/index.cfm?c=28709">http://www.portlandonline.com/auditor/index.cfm?c=28709</a>) apply to Subsections A and B above.</p> <p>D. All equipment used in commercial activities shall have sound control devices no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.</p> <p>E. All equipment used in commercial construction activities shall comply with pertinent standards of the U.S. Environmental Protection Agency.”</p> <p>SUMMARY: From 7:00am-6:00pm construction activity is permitted provided it does not exceed 85db. After those hours construction (and any other noise) is permitted, but the decibel limits are reduced depending on a number of factors, but can be as low as 45dB in residential areas. The reduction is usually so low it precludes any construction activity. A permit for after-hours work is available per Noise Officer Paul Van Orden. Generally, if a site requires less than 10 permits for after-hours work in a year, permits can be issued administratively, however if a site needs more than 10 permits in a year, the request must be heard by the City’s Noise Review Board. In either case, sound and light mitigation is a part of the review process. Staff requires a minimum of 3-4 day notice prior to the start of work – even more notice is required for cases heard by the Noise Review Board because those are public hearings. Enforcement is handled by the Noise Control Office (which also issues the permits,) and is assisted by the Police Department and through citizen affidavits. For many years, the Noise Control Office was housed in the City’s Development Department, but was moved to</p>
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		<p>the Neighborhood Involvement Office (an office that focuses on neighborhood involvement and quality of life issues) about a year and a half ago.</p> <p>GEOGRAPHIC LIMITATIONS: Permits may be issued city wide, but the requirements of a mitigation plan will be much greater in an area with dense residential than it would be in a commercial or industrial area.</p>
Denver	<p>Department of Environmental Health – Public Health</p> <p>Inspections: (720) 865-5401</p>	<p>36-7(5): <i>Construction equipment and activities.</i> a. No person shall operate, or cause to be operated, any construction equipment nor conduct any construction activities, including, without limitation, preparation activities, job site deliveries, and job site pick-ups, on weekdays between the hours of 9:00 p.m. and 7:00 a.m. in a manner that exceeds the sound pressure limits of Table A. (See table A here: <a href="http://www.denvergov.org/Portals/771/documents/Chapter-36-Noise-Control.pdf">http://www.denvergov.org/Portals/771/documents/Chapter-36-Noise-Control.pdf</a>)</p> <p>b. No person shall operate, or cause to be operated, any construction equipment nor conduct any construction activities, including, without limitation, preparation activity, job-site deliveries, and job-site pick-ups, on weekends between the hours of 5:00 p.m. and 8:00 a.m. in a manner that exceeds the sound pressure limits of Table A.</p> <p>c. Construction equipment must be properly maintained, used for the manufacturer's intended purpose, and operated in compliance with any required license. The board of environmental health, in accordance with chapter 24, article I, may grant variances from the construction restrictions if it can be demonstrated that a construction project will interfere with traffic or jeopardize public safety if completed during daytime.</p> <p>SUMMARY: Construction is permitted from 7:00am-9:00pm on weekdays and 8:00pm-5:00pm with do decibel restriction. After those hours, construction activity may continue, but decibel limits as low as 50dB are instituted, which precludes most construction activity. A variance is available per Paul Riedesel. A variance may be obtained for construction activity that will exceed the decibel limits set by code. The variance request is heard in at an Environmental Health Board public hearing, which requires notice of surrounding property owners. The applicant provides a noise survey of projected impact of noise and city staff makes recommendations regarding hours, times, number of days of elevated noise, light level or anything else that may reduce the impact of the work. The variance is grated for the duration of the project. Enforcement is handled by the same staff that reviews the variance requests. A few variances have been granted for road construction projects but to date no variances have been granted for private construction projects.</p>



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		<p>GEOGRAPHIC LIMITATIONS: Variances may be issued city wide, but the requirements of a mitigation plan will be much greater in an area with dense residential than it would be in a commercial or industrial area.</p>
Seattle	<p>Department of Planning &amp; Development: (206) 684-8600</p>	<p>25-8-425: Sounds Created by Construction and Maintenance Equipment</p> <p>A. The exterior sound level limits established by Sections <u>25.08.410</u> and <u>25.08.420</u> (includes tables; view here: <a href="https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT25ENPRHIPR_CH25.08NOC_O_SUBCHAPTER_IIIENSOLE_25.08.410EXSOLELI">https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT25ENPRHIPR_CH25.08NOC_O_SUBCHAPTER_IIIENSOLE_25.08.410EXSOLELI</a>) as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded during the following times by the sound levels specified in subsection 25.08.425.B for the types of equipment listed in that subsection.</p> <ol style="list-style-type: none"> <li>1. Within Lowrise, Midrise, Highrise, Residential-Commercial and Neighborhood Commercial zones, between 7 a.m. and 7 p.m. on weekdays and between 9 a.m. and 7 p.m. on weekends and legal holidays, provided that if no property in residential use exists within 100 feet of the property generating the sound, or if the equipment is being used for a public project, then between 7 a.m. and 10 p.m. on weekdays and between the hours of 9 a.m. and 10 p.m. on weekends and legal holidays.</li> <li>2. Within all other zones, between 7 a.m. and 10 p.m. on weekdays and between 9 a.m. and 10 p.m. on weekends and legal holidays.</li> </ol> <p>B. During the time periods specified in subsection 25.08.425.A, the exterior sound level limits, as measured from the property line of the real property of another person or at a distance of 50 feet from the construction or maintenance equipment making the sound, whichever is greater, may be exceeded by no more than the following dB(A)'s for the following types of equipment:</p> <ol style="list-style-type: none"> <li>1. Twenty-five dB(A) for equipment on construction sites, including but not limited to crawlers, tractors, dozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors, and pneumatic-powered equipment;</li> <li>2. Twenty dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including but not limited to chainsaws, log chippers, lawn and garden maintenance equipment, and powered hand tools; or</li> <li>3. Fifteen dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds and appurtenances of residential property, including but not limited to lawnmowers, powered</li> </ol>



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		<p>hand tools, snow-removal equipment, and composters.</p> <p>C. Sounds created by impact types of equipment, including but not limited to pavement breakers, piledrivers, jackhammers, sandblasting tools, or by other types of equipment that create impulse sound or impact sound or are used as impact equipment, as measured at the property line or 50 feet from the equipment, whichever is greater, may exceed the exterior sound level limits established in subsection 25.08.425.B in any one hour period between the hours of 8 a.m. and 5 p.m. on weekdays and 9 a.m. and 5 p.m. on weekends and legal holidays, but in no event may the sound level exceed the following:</p> <ol style="list-style-type: none"> <li>1. Leq 90 dB(A) continuously;</li> <li>2. Leq 93 dB(A) for 30 minutes;</li> <li>3. Leq 96 dB(A) for 15 minutes; or</li> <li>4. Leq 99 dB(A) for 7½ minutes;</li> </ol> <p>provided that sound levels in excess of Leq 99 dB(A) are prohibited unless authorized by variance obtained from the Administrator; and provided further that sources producing sound levels less than 90 dB(A) shall comply with subsection 25.08.425.A and B of this section during those hours not covered by this subsection 25.08.425.C.</p> <p>D. The standard of measurement shall be a one hour Leq. Leq may be measured for times not less than one minute to project an hourly Leq. Reference to one hour is for measurement purposes only and shall not be construed as limiting construction or maintenance to a one hour period.</p> <p>E. The exterior sound level limits established in this section shall be reviewed periodically by the City to assure that the exterior sound level limits are technically feasible.</p> <p>F. Construction or maintenance equipment that exceeds the exterior sound level limits established by <u>Section 25.08.410</u>, when measured from the interior of buildings within a commercial district, is prohibited between the hours of 8 a.m. and 5 p.m. For purposes of this subsection, interior sound levels shall be measured only after every reasonable effort, including but not limited to closing windows and doors, is taken to reduce the impact of the exterior construction noise.</p> <p>25.08.590 - Granting of variance</p> <p>A. No variance shall be granted until the Administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public.</p> <p>B. A technical, economic, or major public project construction variance may be granted only after notice and</p>
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		<p>an opportunity for public comment. For technical or economic variances proposed for more than two weeks and for major public project construction variances, a public meeting is also required, in accordance with rules adopted by the Administrator.</p> <p>C. The Administrator may grant a variance if the Administrator finds that:</p> <ol style="list-style-type: none"> <li>1. The noise occurring or proposed to occur does not endanger public health or safety; and</li> <li>2. The applicant demonstrates that the criteria required for the variance are met; and</li> <li>3. For temporary variances, if the scale and duration of the requested relief is more appropriate for a temporary variance than a technical, economic, or major public project construction variance.</li> </ol> <p>D. Noise Management and Mitigation Plan. As part of the application for a variance, an applicant must submit a Noise Management and Mitigation Plan to be approved by the Administrator. A Noise Management and Mitigation Plan must contain the following components, except that the Administrator may modify the required components for a temporary noise variance as the Administrator determines appropriate to fit the circumstances surrounding the requested temporary variance:</p> <ol style="list-style-type: none"> <li>1. A description of the exterior sound level limits of the chapter expected to be exceeded, estimates of the amount(s) by which these levels are expected to be exceeded and by what equipment, the exterior sound level limits that will be in effect during the variance, the time periods during which the pre-variance exterior sound level limits may be exceeded, and the expected sources of the sound during each of the time periods (e.g., types of equipment or activity causing the exterior sound level limits to be exceeded);</li> <li>2. Measures and provisions to be taken to avoid exceeding the exterior sound level limits of this chapter;</li> <li>3. Provisions to mitigate sounds that exceed the exterior sound level limits and that cannot otherwise be avoided.</li> <li>4. A process for informing the public in the affected areas about the provisions of the variance.</li> </ol> <p>E. The Administrator may impose conditions, including but not limited to conditions relating to types of equipment, hours of use, and duration, to mitigate the adverse impacts of granting the variance. The Administrator may also include conditions proposed by the applicant as part of the variance application. Compliance with the Noise Management and Mitigation Plan approved by the Administrator is a condition of every variance.</p> <p>F. A temporary variance shall be effective on the effective date stated on the variance form. Any other variance shall be effective 30 days following the mailing of the decision granting the variance, unless it is appealed to the Hearing Examiner, in which case the effective date is the date of the Hearing Examiner's</p>
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		<p>written decision on the appeal.</p> <p><b>SUMMARY:</b> Construction work must comply with maximum sound levels and may begin at 7:00am on weekdays and 9:00am on weekends and holidays, and must conclude at 7:00am in residential areas and 10:00pm in commercial areas. The maximum sound level depends on the location of the construction site, but ranges from 55dB-70dB. Any work that exceeds the maximum sound level is further limited to 8:00am-5:00pm on weekdays and 9:00pm-5:00pm on weekends. A variance to allow work after-hours is available per Jeff Stalter with City of Seattle Department of Planning &amp; Development. A variance is required any time a contractor wishes to install concrete after hours (or do any other work that exceeds decibel requirements.) Application is submitted directly to and reviewed by the Noise Abatement staff. Applicants are required to submit noise mitigation plans to address any potential impacts and notify neighbors 3 days prior to proposed pour. A variance is valid for 14 days. Permits and code are enforced by Noise Abatement Staff and Light trespass is addressed by the building department separately.</p> <p><b>GEOGRAPHIC LIMITATIONS:</b> Variances may be issued city wide, but the requirements of a mitigation plan will be much greater in an area with dense residential than it would be in a commercial or industrial area.</p>
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## Planning and Neighborhood Committee (6/9/15)

### Additional staff recommendation information:

- 1) Up to 75 decibels between 7:00 p.m. and:
  - (a) 10:30 p.m. on Sunday through Wednesday;
  - (b) 11:00 p.m. on Thursday; or
  - (c) 12:00 midnight on Friday or Saturday
- 2) Up to 10 decibels above the ambient noise level at the applicants location between;
  - (a) 10:30 p.m. until 6:00am on Sunday through Wednesday;
  - (b) 11:00 p.m. until 6:00am on Thursday; or
  - (c) 12:00 midnight until 6:00am on Friday or Saturday

**AMBIENT SOUND:** means the all-encompassing sound associated with a given environment being usually a composite of sounds from near and far.

The Sound Management group within the Economic Development Department's Music & Entertainment Division of would establish the ambient level of the downtown area on a quarterly basis.

## **After Hours Concrete Installation Stakeholder Meeting #4**

**Tuesday, March 10, 2015 at 6:30pm**

**City Hall – Room 1029**

**Attendance: 3 staff, 1 city council aide**

### **1. Staff Updates:**

- a. Greg Guernsey (PDRD:) he concrete installation item was heard at the last Downtown Commission Meeting. The commission created a working group to explore the topic further and asked staff to hold one more stakeholder meeting to fine tune the recommendation and to contact 3 additional cities (Portland, Denver, and Seattle) to learn more about their codes related to construction noise.
- b. David Murray (Music Office:) No additional research has occurred due to SXSW related demands on staff. David did give an explanation of the difference in A- and C-weighted decibel scales.

### **2. Discussion:**

Various organizations and groups were invited to share their ideas for proposed modifications to the temporary ordinance.

- a. DANA: No change to original recommendation (noise requirements comply with compatibility standards in subchapter E, all pouring activity stop at 10:00pm, provide notice to residents.)
- b. DAA: Feels the stakeholder group has provided a good start. DAA may decide to re-examine position in light of feedback.
- c. Rainey NA: Agrees with compatibility standards and notice elements of DANA proposal. Feels further research is needed on sound limit requirements and strengthened enforcement mechanism (possibly third party observers.)
- d. Spring Condominium Owners Assn: Supports DANA proposal.
- e. TACA: Supports a problem based solution that doesn't single out concrete installation but resolves noise issue with stepped down sound limits later in the night.
- f. Four Seasons Owners: Agrees resolution should limit noise impact, not necessarily activity.

3. Temporary Ordinance is set to expire at the end of the month. There was no clear consensus from the group on what specific action should be taken at that time, but everyone feels progress should continue on a final solution.

### **Closing**

Final takeaway: There was consensus that a new ordinance that allows construction activity downtown with sound limits (maximum dba) and other mitigation factors appears to be supported by the majority of the participating stakeholders. However, there was not agreement on a maximum decibel limit nor when late night concrete pours would or would not cease. Everyone did agree that the City's sound ordinance should be inclusive of all sources of sound downtown and not just sound created by late night concrete pours.

Greg Guernsey reminded the group that the direction from City Council only addresses after-hours concrete installation downtown. Staff will only pursue an ordinance that meets Council's charge at this time; however, the City Council may expand the scope of the amendment if they desire.

### **After Hours Concrete Installation Stakeholder Meeting #3**

Wednesday, February 11, 2015 at 6:30pm

One Texas Center Room 325

Attendance: 22 Attendees (13 from downtown neighborhoods, 4 from concrete/development industry, 4 staff, 1 city council aide)

#### **1. Staff Updates:**

- a. Planning & Development Review: The next stop for this case will be Downtown Commission on Wednesday December 18, 2015 at 5:30 in the Boards & Commissions Room at City Hall.
- b. Music Office: Staff observed an after-hours pour at the Block 1 site. Staff observed issues with sound level from pump related to ambient noise and sound mitigation measures not performing as intended.

#### **2. Straw Poll: Mediator Larry Schooler distributed red, yellow and green cards to gauge participants opinions on major suggestions from previous meeting (red: totally against, yellow: unsure/moderate, green: in favor)**

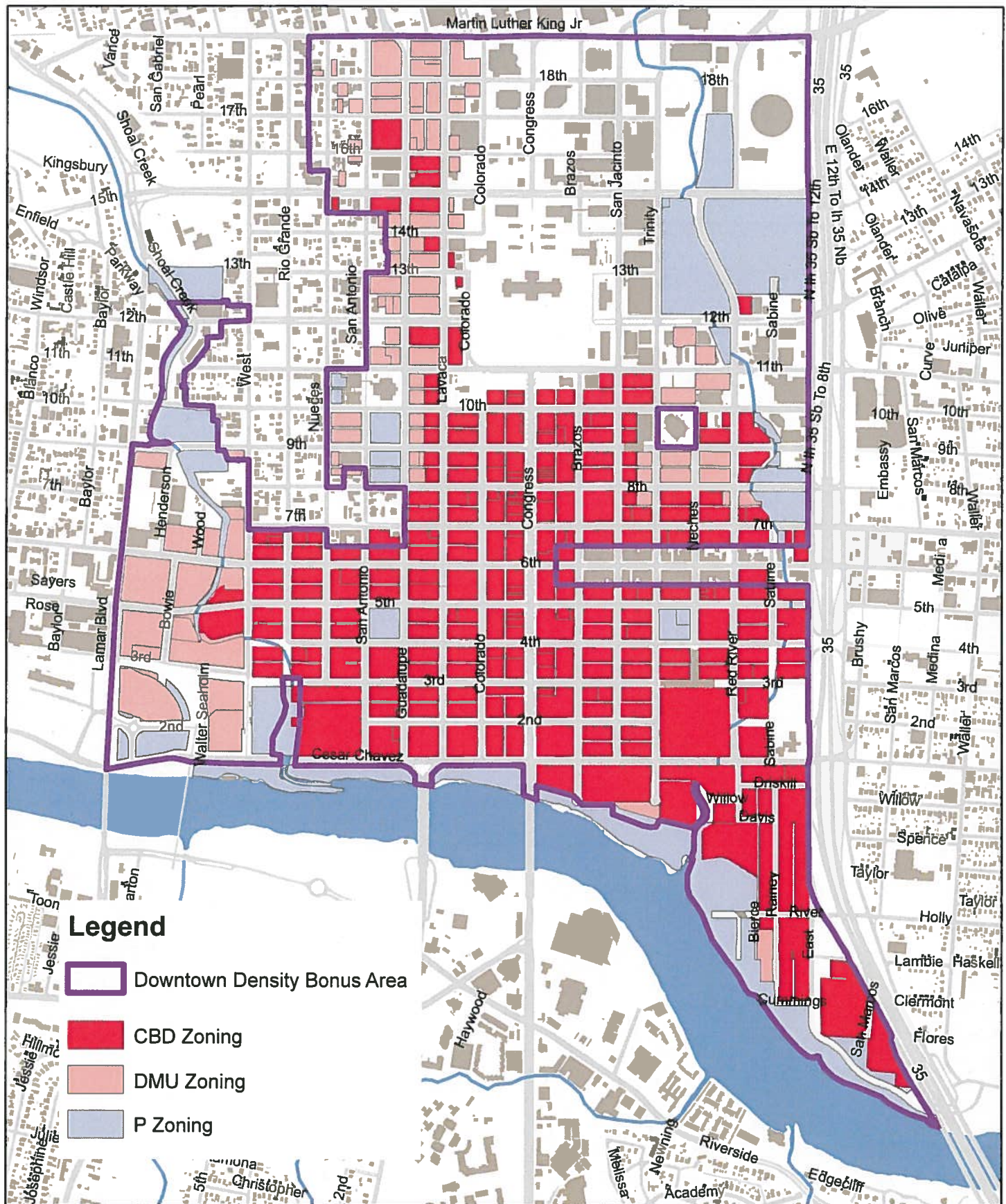
- a. Limit concrete pours to 8:00pm and earlier in day: 4 red, reminder green/yellow
- b. Remove hour restrictions if sound limit imposed: Evenly mixed
- c. Require noise mitigation plan & measures with permit application (within COA Parameters): all green/yellow
- d. Require light mitigation plan & measures with permit applications: All green/yellow
- e. Limit decibel levels allowable by concrete pouring: mixed
- f. Distinguish between unique pours (ie library): mixed

#### **3. Discussion: Conversation focused on what could be livable for both parties.**

- a. Industry representatives unsure about what specific parameters would be, but requested no time limits (preferring regulation of the activity's impact – ie sound level – than the activity itself) and potentially 85dB until 2am and then a reduced level after that.
- b. Neighborhood representatives expressed concern about simply being able to sleep and other noise associated with construction activity (specifically required “beep-beep-beep” back up alarms and banging noises.)



- c. Both parties questioned if the code amendment could address the wider issues of after-hours construction noise rather than just addressing the after-hours concrete installation activity.
- 4. Final takeaway: Mediator Larry Schooler asked, based on the discussion and straw poll, how the participants felt about "In the entertainment districts, allowing construction activity to occur after hours with a permit at sound levels already permitted by code (85dB) until 2:00am, then allowing activity to continue after that time at a significantly reduced sound level:" Mostly green/yellow with a couple reds. Participants also felt "After-Hours construction noise permitted until (a future determined time,) then allowing construction activity to continue reduced by (a future determined amount.)"



**Downtown Austin Plan Density Bonus Area & CBD, DMU and P Zoning Districts**



CITY OF

## PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHARLIE HALES, MAYOR

Amalia Alarcón de Morris, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

*Promoting a culture of civic engagement*

### **CONSTRUCTION Noise Regulations**

This sheet explains City of Portland regulations on construction noise. (Code section 18.10.060)

1. **Permissible Hours And Noise Level** -- From 7 a.m. to 6 p.m. Monday through Saturday, the City permits a very liberal standard for construction noise (85 dBA at a 50' distance). This means that, provided your equipment is in good repair and muffled (if possible), it will be compliant. The few kinds of equipment that cannot meet this level – (for example: jack hammers, concrete saws, and pile drivers) are exempt from the standard during this period.
2. **Outside Permissible Hours** -- But outside of these hours, different rules apply. First, the exemptions for jackhammers and other noisy equipment do not extend to other hours. Also, most importantly, work at other hours must meet the “baseline permitted decibel levels” of the area in which the work is taking place. Experience has shown that although you will probably have no problems with work in an industrial zone, you will likely be in violation of the code for exterior work (e.g., clearing, grading, excavating, framing, roofing, etc.) in a residential zone or near residential use before 7 a.m., after 6 p.m., or on Sundays and the days on which New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day are fixed by State law.
3. **Complaints** – When complaints are received, it is usually because of the hours of operation rather than the amount of noise. The 7 a.m. start time includes noise generated by warm-up and maintenance. If we receive a complaint, we will contact you, and request that you take care of it. Most complaints stop here.
4. **Possible Citations** – If additional legitimate complaints are received, be aware that each individual or organization responsible can receive a citation and fine of \$5000 for each violation. If needed, a court-ordered “stop work” order can also be obtained.
5. **Variances** -- There are times when work must occur outside of the permissible hours. Noise regulations do not apply for **emergency work** “...necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.” For non-emergency work outside of the permitted hours, you may apply for a variance. Construction noise variances may be issued if the need is valid and livability impacts are minimal. Accelerated review fees will be required for applications submitted fewer than ten business days prior to the event. Those submitted fewer than four business days prior will be subject to additional fees.

The Noise Review Board meets the second Wednesday of each month. Completed applications to be reviewed by the Noise Review Board must be filed 45 business days prior to the Noise Review Board meeting. Fees charged for review for construction activities of more than 1-week duration are \$510 plus \$170 per week up to \$850; (Noise Review Board Variances start at \$2,613). Accelerated application reviews triggers an increase in fees.

#### **More Information Needed?**

**These notes cover most of the questions asked about construction noise and the noise code. If you have more questions, you may call the Noise Control Office at (503) 823-7350.**

Phone: 503-823-7350 • Fax: 503-823-3050 • [www.portlandoregon.gov/oni](http://www.portlandoregon.gov/oni)



**ORDINANCE NO. 20141120-056**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 9-2 RELATING TO  
NON-PEAK HOUR PERMITS FOR CONCRETE INSTALLATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Section 9-2-21 (*Permit for Concrete Installation During Non-Peak Hours*) is amended to amend Subsection (A) and add new Subsections (E), (F), (G), and (H) to read as follows:

- (A) Subject to the limitations in Subsections ~~[subsections]~~ (B) and (C) of this section, the director may issue a permit authorizing an applicant to deliver, ~~[finish,]~~ place, or pour concrete during the non-peak hour period of 7:00 p.m. to ~~[6:00 a.m.]~~ 2:00 a.m. or, in special circumstances of limited duration, from 7:00 p.m. to 6:00 a.m., at property that is located within:
  - (1) the Downtown Density Bonus area identified in Section 25-2-586(B) (Downtown Density Bonus Program) and one of the following zoning districts:
    - (a) the Central Business District (CBD) base zoning district; or [and]
    - (b) the Public (P) zoning district; and
  - (2) 600 feet of a residence, church, hospital, hotel, or motel.
- (E) To mitigate possible impacts and minimize disruptions to adjacent residential and commercial uses, the director shall require a permit applicant to:
  - (1) contact adjacent property owners located next door or across the street, and representatives of property owners or residents within 600 feet, to inform them when the non-peak pour will occur and the duration of the project;
  - (2) provide 24-hour contact information for the individual with primary responsibility for the project to adjacent property owners located next door or across the street, to representatives of property owners or residents within 600 feet, and to city staff; and
  - (3) provide a sound and light mitigation plan, which must:
    - (a) identify where concrete trucks will queue to ensure minimal disruption to adjacent residences and businesses;



- (b) locate the concrete pump and, if necessary, relocate it to a location that will minimize disruption to adjacent residential uses;
  - (c) shield after-hour lighting associated with the concrete installation from adjacent residential uses; and
  - (d) require such other actions as the director determines are reasonably necessary to protect public health, safety, and welfare and to ensure reasonable expectations of a sound environment that does not preclude sleep.
- (F) Concrete finishing is permitted from 7:00 p.m. to 6:00 a.m., provided that it does not include delivery, placement, or pouring.
- (G) If an application for a building permit was submitted prior to December 1, 2014, the director shall:
  - (1) permit delivery, placement, or pouring of concrete in connection with construction of that building during the non-peak hour period of 7:00 p.m. to 6:00 a.m.; and
  - (2) require a sound and light mitigation plan, as provided in Subsection (E)(3) of this section.
- (H) The director shall adopt rules governing the "special circumstances" in which overnight concrete pours may be extended to 6:00 a.m., as provided in Subsection (A) of this section. Such rules shall, at a minimum, limit the number of overnight pour permits that may be issued for a project over a period of time and include restrictions on the days for which such permits may be issued.

**PART 2.** The City Manager is directed to convene a stakeholder working group to review the regulation of concrete pours in the downtown area and to make a recommendation regarding this interim ordinance within 60-days from the effective date of this ordinance.

**PART 3.** This ordinance expires on March 31, 2015.

**PART 4.** This ordinance takes effect on December 1, 2014.

**PASSED AND APPROVED**

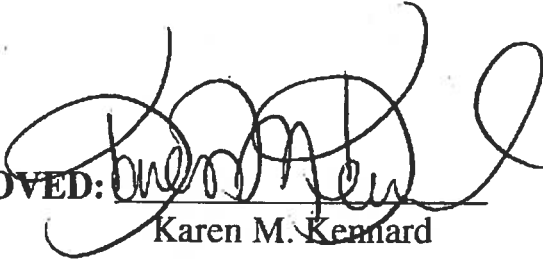
November 20, 2014

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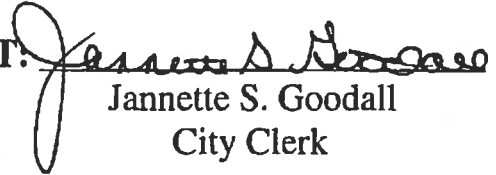
Lee Leffingwell  
Mayor

**APPROVED:**



Karen M. Kennard  
City Attorney

**ATTEST:**



Jannette S. Goodall  
City Clerk