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Title: Substitute resolution relating to directing the City Attorney to promptly pursue legal action to abate excessive noise and other adverse effects associated with demolition and reconstruction activities on the Hoan Bridge and I-794 Lake Freeway Project.

Sponsors: ALD. BAUMAN

Indexes: NUISANCES

Attachments: 1. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
2/11/2014	0	COMMON COUNCIL	ASSIGNED TO		
2/19/2014	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/19/2014	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/21/2014	1	CITY CLERK	DRAFT SUBMITTED		
2/24/2014	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
3/21/2016	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	3:0
3/29/2016	1	COMMON COUNCIL	PLACED ON FILE	Pass	14:0

131518
SUBSTITUE 1

ALD. BAUMAN

Substitute resolution relating to directing the City Attorney to promptly pursue legal action to abate excessive noise and other adverse effects associated with demolition and reconstruction activities on the Hoan Bridge and I-794 Lake Freeway Project.

Demolition and reconstruction activities associated with the Wisconsin Department of Transportation’s Hoan Bridge and I-794 Lake Freeway Project included heavy demolition during nighttime hours in early February, 2014, resulting in excessive noise affecting residents in Downtown residential neighborhoods resulting in numerous complaints.

This resolution directs the City Attorney to explore available options for abating, ameliorating and preventing excessive noise and other adverse effects resulting from demolition and reconstruction activities associated with the Hoan Bridge and I-794 Lake Freeway project and to take available legal action, not limited to litigation, to accomplish the intent of this resolution.

Whereas, During the first week of February, 2014, crews working under contract with the Wisconsin Department of Transportation (WisDoT) on demolition and reconstruction activities on the Hoan

Bridge and I-794 Lake Freeway Project began heavy demolition activities between the hours of 8:00 p.m. and 3:00 a.m. including jack-hammering and the operation of concrete-crushing equipment; and

Whereas, Representatives of WisDoT have stated that night-time demolition work on the Hoan Bridge and I-794 Lake Freeway Project is not subject to municipal noise restrictions and is necessary to avoid lane closures during the day; and

Whereas, The Common Council finds that the health, safety and welfare of residents, and the right of residents to the peaceful enjoyment of their homes, takes precedence over the temporary inconvenience of highway motorists who have the choice of taking alternate routes; and

Whereas, According to 2010 Census Summary File 1, the City has the highest number of census tracts in the state of Wisconsin with population densities greater than 5,000 residents per square mile, and the Downtown area contains many of the highest density tracts in the City; and

Whereas, The Common Council has recognized the importance of noise limitations for the protection of the health, safety and welfare of residents and for the peaceful enjoyment of their homes by enacting ss. 80-62 to 82-67 of the Code of Ordinances declaring excessive noise to be a nuisance and prohibiting excessive noise, especially at nighttime between the hours of 9:00 pm and 7:00 a.m.; and

Whereas, Section 80-67 of the Code of Ordinances provides a reasonable exemption for construction, public works and utilities repair during daytime hours subject to requirements that noise production be minimized; and

Whereas, It appears that the extreme noise and disruption of nighttime demolition activities during the first 10 days of February, 2014, have subsided but could resume at any time without consultation with City officials or affected residents; and

Whereas, In addition to ensuring a cessation of excessive noise and other adverse effects resulting from these demolition and reconstruction activities, the Common Council desires to prevent future harm to the residents affected whether through negotiation, administrative complaint and action or litigation including assurance of prior and sufficient notice of planned demolition and reconstruction activities and establishing a meaningful opportunity for the City and its residents to be heard before WisDoT and by other appropriate parties; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is directed to explore available options for abating, ameliorating and preventing excessive noise and other adverse effects resulting from demolition and reconstruction activities associated with the Hoan Bridge and I-794 Lake Freeway project and to take available legal action, not limited to litigation, to accomplish the intent of this resolution.

LRB151214-2.0

Richard L. Withers

2/19/2014