

11-0-1553

(Do Not Write Above This Line)

AN ORDINANCE

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE EXEMPTING ALL UTILITY RELOCATION AND CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE ATLANTA STREETCAR PROJECT FROM THE ATLANTA NOISE ORDINANCE, CODE SECTIONS 74-129 THROUGH 74-160, FOR A PERIOD OF EIGHTEEN MONTHS FOR THE PURPOSES RELATED TO COMPLETING THE PROJECT BY THE FEDERALLY IMPOSED DEADLINES; AND FOR OTHER PURPOSES.

11/21/2011 - Tabled by Roll Call Vote
11/21/2011 - Removed from Table by Roll Call Vote
11/21/2011 - Amended by Roll Call Vote

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1ST ADOPT 2ND READ & REFER

PERSONAL PAPER REFER

NOV 21 2011

Date Referred

11/7/11 Public Safety COUNCIL

Date Referred

Date Referred

Referred To:

First Reading
Committee Public Safety and Legal Administration
Date 11/11/11
Chair [Signature]
Referred To Public Safety and Legal Administration

Committee

Public Safety & Legal Admin

Date 11/12/11

Chair [Signature]

Action

Fav, Adv, Hold (see rev. side)
Other

Members

[Signatures]
Refer To [Signature]

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

FINAL COUNCIL ACTION
2nd Reading
1st & 2nd Reading
3rd Reading
Consent
V Vote
RC Vote

CERTIFIED

CERTIFIED
NOV 21 2011

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
NOV 21 2011

[Signature]
MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



**AN ORDINANCE
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE EXEMPTING ALL UTILITY RELOCATION AND CONSTRUCTION RELATED ACTIVITIES ASSOCIATED WITH THE ATLANTA STREETCAR PROJECT FROM THE ATLANTA NOISE ORDINANCE, CODE SECTIONS 74-129 THROUGH 74-160, FOR A PERIOD OF EIGHTEEN MONTHS FOR THE PURPOSES RELATED TO COMPLETING THE PROJECT BY THE FEDERALLY IMPOSED DEADLINES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta was awarded a TIGER II grant to fund the construction of the Atlanta Streetcar Project (the "Project"), a modern, ADA compliant, electrically powered transit system; and

WHEREAS, the first phase of the Project will extend for approximately 2.7 miles in the heart of Atlanta's downtown, business, tourism and convention corridor located along Peachtree Street, Luckie Street, Edgewood Avenue and Auburn Avenue, connecting Centennial Olympic Park with the Sweet Auburn and Edgewood districts; and

WHEREAS, completion of the Project will involve utility relocations and construction that may result in loud noises; and

WHEREAS, meeting the federally imposed Project deadlines, including final completion by May 2013, may require the Project to operate 24 hours a day and 7 days a week; and

WHEREAS, the noise created by the construction of the Project between 7 p.m. and 7 a.m. on weekdays and between 7 p.m. and 9 a.m. on weekends and legal holidays will violate the provisions of the Atlanta Noise Ordinance, City of Atlanta Code of Ordinance sections 74-129 through 74-160; and

WHEREAS, the Atlanta Noise Ordinance has a provision allowing for a temporary variance from the Noise Ordinance, but the temporary variance lasts for forty-five days, and must be renewed for each forty-five day period thereafter; and

WHEREAS, because the construction of the Project will last for approximately eighteen months, the Department of Public Works has recommended that the Atlanta Streetcar Project seek the adoption of an ordinance waiving the provisions of the Atlanta Noise Ordinance, rather than seeking numerous temporary variances; and

WHEREAS, the City is willing to waive the Atlanta Noise Ordinance provisions because the waiver is related to the construction of the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:



Section 1: That Atlanta City Code Sections 74-129 through 74-160, known collectively as the Atlanta Noise Ordinance, are hereby waived for all utility relocations and construction related activities with regard to the Atlanta Streetcar Project and performed along the Atlanta Streetcar route, through and including May 2013.

A. **Clarification of effect:** This waiver shall only apply to any work done for purposes related to the utility relocations and construction related activities with regard to the Atlanta Streetcar Project and performed along the Atlanta Streetcar route after notification as provided herein has been accomplished.

B. **Waiver document required:** Before the use of the waiver provided in this ordinance can be exercised, it shall be necessary to obtain approval from the Commissioner of the Department of Public Works showing that to the extent reasonably possible, the notification of the schedule and notification of affected constituents has been undertaken.

C. **Notification of schedule:** The following steps shall be undertaken to notify affected constituents along the Atlanta Streetcar route of the receipt of the construction schedule for the Atlanta Streetcar as soon as it reasonably possible to do so utilizing as many of the following methods as it reasonably possible to undertake:

1. Notice to all members of the City Council
2. Meetings with Neighborhood Planning Units and property owners
3. Town hall meetings with residents and businesses
4. Door to Door visits leaving information packets
5. Announcement on Channel 26
6. Public Service announcement
7. Street signs
8. Website links
9. Meeting with churches located on the Project Route

D. **Notification of waiver application:** The following steps shall be undertaken to notify affected constituents along the Atlanta Streetcar route of the waiver application as soon as it is reasonably possible to do so utilizing as many of the following methods as it reasonable to do so but in no case at least five business (5) days prior to the date that the waiver is expected to be issued.

1. Notice to all members of the City Council
2. Meetings with Neighborhood Planning Units and property owners
3. Town hall meetings with residents and businesses
4. Door to Door visits leaving information packets
5. Announcement on Channel 26
6. Public Service announcement
7. Street signs
8. Website links
9. Meeting with churches located on the Project Route

E. **Coordination of Schedule:** Based on the information received, the Commissioner of the Department of Public Works shall prepare a schedule for the work for which an exemption is requested in order to coordinate the work in a manner that will cause the least disruption to the affected areas through the issuance of the waiver; provided however that with any work which is



more likely to disturb the public, that every reasonable effort shall be made to perform such construction in residential areas during daytime hours, in commercial areas during nighttime hours, and in the vicinity of churches and other places of worship at times which do not conflict with the holding of services or other activities.”

Section 2: That all other ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of said conflict in this instance only.

A true copy,

Deputy Municipal Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Nov. 21, 2011
Nov. 30, 2011

RCS# 1588
11/21/11
6:15 PM

Atlanta City Council

REGULAR SESSION

11-O-1553

EXEMPTING ALL UTILITY RELOCATION/CONSTR.
FROM NOISE ORD-ATLANTA STREETCAR PROJECT
ADOPT/AMEND

YEAS: 13
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	N Moore	N Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

11-O-1553