

Margaret's Thoughts for COPPV Work Hours Ordinance

- Hunters Creek has an interesting ordinance I think we should consider. "On days on which construction work is permitted indoor work may continue until 9:00 p.m. provided that all such work is conducted in an enclosed structure, and is not visible or audible from surrounding properties." This would really assist finishing trades on residential construction projects and hopefully get these projects completed more quickly.
- COPPV currently has an emergency exception to work hours, but it is vague as to who authorizes. And given the last two storms, we may want to include an exception for natural disasters so cleanup can happen after hours and on Sundays

PROPOSED CHANGES TO EXISTING ORDINANCES CONTAINING WORK HOURS PROVISIONS

Sec. 10-1. Time limitations on building activities.

- (a) It shall be unlawful for any person to cause, permit or perform any construction, renovation, alteration, repair or demolition of any building or structure, or any excavation related thereto ("building activities"), within the city, except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays. All building activities are strictly prohibited on Sundays and Holidays. Holidays shall include Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day.
- (b) The provisions of subsection (a) shall not apply to any construction, renovation, alteration, repair, demolition or related excavation which is conducted by a governmental entity, or for which a city permit is not required.
- (c) The provisions of subsection (a) shall not apply where the city building official has approved extended hours up to 9:00pm on days on which construction work is permitted for a specific construction site, for the purpose of conducting work only inside a completely enclosed structure, and that is not visible or audible from surrounding properties.
- (d) The provisions of subsection (a) shall not apply where the city administrator has authorized emergency work necessary to prevent a risk of injury to persons or immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster .
- (c) The city building official is hereby authorized and directed to issue stop work orders as are necessary to assure compliance with the provisions of this section.
- (d) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in section 1-11.

Sec. 26-3. Restrictions for certain noise producing activities.

- (a) *Nuisance level noises prohibited generally.* In view of the residential character of the city, any noise that is unreasonably loud, annoying, or disturbing to persons of ordinary sensibilities, at the time and place the noise is being generated, is defined to be a nuisance and is prohibited.
- (b) *The production of nuisance level noises defined as an offense.* Any person who produces or permits the production of nuisance level noise in the city shall be guilty of an offense.

- (c) *Exceptions.* It is recognized that certain noise producing activities are normal and not out of place in a residential area if the activities producing those noises are conducted in a reasonable manner and at a reasonable time. Accordingly, noises emanating from the following activities are not nuisance level noises within the meaning of this ordinance, if the activities are conducted at a reasonable time and in a reasonable manner:
- (1) Construction, grading, repair, remodeling or maintenance activities during hours when such activities are permitted in accordance with this Code;
 - (2) The operation of safety signals, warning devices, emergency pressure relief valves, water wells, and sewer lift stations;
 - (3) Occasional private outdoor gatherings and public events, provided that the volume of any music or mechanical sound amplification equipment is controlled so as to avoid unduly disturbing the occupants of neighboring residential properties;
 - (4) The operation of standard air conditioning, refrigeration systems, swimming pool equipment, or similar mechanical systems customarily found in single-family residential structures, provided that the equipment is kept in reasonable repair and operated in accordance with the manufacturer's recommendations;
 - (5) Repair and maintenance activities of any public entity or utility, provided that reasonable steps are taken to mitigate the effects of excessive noise;
 - (6) The operation of standby electric generators during time periods where normal electric service is unavailable, in compliance with the requirements of section 26-2.
- (d) *Restrictions.* In order to preserve the residential character of the city and to provide hours during which the city's residents can rest free from unnecessary and offensive noise levels, the following activities may be performed only during the allowable hours provided below:
- (1) The use of lawn mowers, edging machines, leaf blowers, chain saws, or any other gasoline, diesel, or electric powered lawn care or landscaping equipment;
 - (2) The use of power washers, air compressors, or any other gasoline, diesel, or electric powered equipment for home maintenance purposes.
- (e) *Allowable hours.* The work hours during which the activities listed in (a) above are allowed are:
- (1) Between 7:00 a.m. and 7:00 p.m. on weekdays;
 - (2) Between 8:00 a.m. and 6:00 p.m. on Saturdays;
 - (3) No work is permitted on Sundays or on holidays on which the city's offices are closed.
- (f) *Exceptions.* The following exceptions apply:
- (1) The restrictions on allowable hours do not apply when the activities are performed by the owner of occupant of the residence where the activities are being performed;
 - (2) The restrictions on allowable hours do not apply in the case of an emergency where the city administrator has authorized work necessary to prevent a risk of injury to persons, immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster;
 - (3) On days on which construction work is permitted, indoor work may continue until 9:00 p.m. provided that all the city building official has approved the extended hours for the specific construction site, the work is conducted in a completely enclosed structure, and is not visible or audible from surrounding properties;
 - (3) The restrictions on allowable hours do not apply to construction activities governed by chapter 10 of this Code.

(Ord. No. 2015.08.24 , § 1, 11-23-15)

Sec. 56-3. Construction standards.

- (a) *Advance notice required.* The city administrator shall be notified 24 hours in advance that construction is ready to proceed by either the right-of-way user, their contractor or representative, including the name, address, and phone numbers of the contractor performing the actual construction, and the name and telephone number of the individual who will be available at all times during construction. Failure to provide the above information will result in the suspension of the permit until the required information is received.
- (b) *Conformance to other laws.* All construction shall be in conformance with all city codes and applicable local, state, and federal laws.
- (c) *Erosion control.* Erosion control measures (*i.e.*, silt fence) and advance warning signs, markers, cones, and barricades must be in place before work begins. Permit holder may be required to show proof of EPA approved plans relating to storm water and erosion when applicable or a letter stating such plans are not required. User shall comply with city, state, and federal guidelines regulating storm water management erosion control. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire backed silt fencing, or straw bales, as appropriate.
- (d) *Lane closures.* Lane closures on collectors and thoroughfares, as identified by the city's thoroughfare plan, is limited to after 8:30 a.m. and before 4:00 p.m. unless the city administrator grants prior approval. Arrow boards will be required on lane closures, with all barricades, advanced warning signs and 36-inch reflector cones placed according to the specifications of the city administrator.
- (e) *Workmanship.* Users are responsible for the workmanship and any damages caused by a contractor or subcontractor. A responsible representative of the permit holder will be available to city administrator at all times during construction.
- (f) *Notice of damage.* All users shall notify the city administrator immediately of any damage to other utilities, either city or privately owned.
- (g) *Prior approval required for street or sidewalk cut.* Except in the event of an emergency, prior approval must be obtained from the city administrator when a street or sidewalk cut is required and all requirements of the city shall be followed. Repair of all street and sidewalk removals shall be made promptly to avoid safety hazards to vehicle and pedestrian traffic.
- (h) *Interference prohibited.* Newly installed structures shall not interfere with facilities or structures of other users, in particular gravity dependent facilities.
- (i) *Depth.* Structures shall be installed at a minimum of two feet depth, unless approved by the city administrator or as otherwise provided by this Chapter.
- (j) *Working hours.* Except in the event of an emergency, working hours in the rights-of-way are 7:00 a.m. to 7:00 p.m., Monday through Friday and from 8:00 a.m. to 6:00 p.m. Saturday. Except in the event of an emergency situation authorized by the city administrator, any work performed on Sunday is prohibited. Directional boring is permitted only Monday through Friday.

(Ord. No. 2017.08.28 , § 1, 8-30-17)