

Construction Activity and Waste Hauling

Noise Ordinance

Sec. 16-92. - Prohibited noise generally.

Any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

Sec. 16-100(d) defines day-time as the hours between 7 am and 10 pm.

Noise Ordinance Exemptions

Sec. 16-95. - Exemptions.

The following noises shall be exempt from the prohibitions of section 16-92, even when they cause a disturbance:

1. Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:00 p.m. Such devices shall nevertheless be subject to the administrative stop order provisions of section 16-98.

Sec. 16-98. - Administrative stop orders.

The city manager or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under section 16-95 from the prohibitions of this division, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the city manager or his designee gives due consideration to balancing the hardships involved.

Noise Ordinance - Construction

Sec. 16-97. - Special permits.

Construction or maintenance operations. The city manager or his designee may issue a permit exempting specific construction, solid waste pickup arrangements and maintenance of public streets and rights-of-way from the prohibitions of this division otherwise applicable to nighttime activity, provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night and the activity involved is compatible with the public interest.

Land Management Ordinance Requirements for Certain Uses

Sec. 19-4.3.3. Commercial uses.

(A) General.

(2) Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:

(c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.

Next Steps/Recommendations

Issue is noise causing construction and waste hauling services:

- City does not want to penalize or set hours into play that prohibit “quiet” construction activities, i.e. trimming electrical, paint, etc. outside of the set hours.
- Research other communities and how they approach waste hauling and construction.
- Return to City Council in April with suggested approach based on feedback received from City Council and research.