

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED
REFERRED

May 16, 2006
BPW

Repealing and recreating Section 24.08(3)(f) of the Madison General Ordinances to reduce the permitted hours of construction noise on Saturday and Sunday.

Drafted by: Steven Brist

Date: May 10, 2006

SPONSOR: Alder Verveer

DRAFTER'S ANALYSIS: The proposal provides that construction noise is not permitted before 10 a.m. or after 6 p.m. on weekends. Currently, it's permitted from 7 a.m. to 7 p.m. everyday.

The Common Council of the City of Madison do hereby ordain as follows:

Subdivision (f) of Subsection (3) entitled "Exemptions" of Section 24.08 entitled "Noise Control Regulation" of the Madison General Ordinances is hereby repealed and recreated to read as follows:

"(f) Limited Exemptions for Construction Noise.

1. Monday through Friday. No person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m., on any weekday (Monday through Friday) in such a manner as to unreasonably interfere with the peace, comfort and quality of life of neighboring persons of ordinary sensibilities, except as otherwise provided in this subsection (f).
2. Saturday and Sunday. On Saturday and Sunday, no person shall operate or permit the operation of any equipment used in construction work between the hours of 10:00 a.m. and 6 p.m. in such a manner as to unreasonably interfere with the peace, comfort and quality of life of neighboring persons of ordinary sensibilities, except as otherwise provided in this subsection (f).
3. Permitted Hours of Operation of Construction Equipment. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 p.m. of any weekday or between the hours of 10:00 a.m. and 6 p.m. on Saturday and Sunday.
4. Operation of Construction Equipment Outside of Permitted Hours. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 p.m. and 7:00 a.m. of any weekday or between the hours of 6 p.m. and 10:00 a.m. on any Saturday or Sunday, if the Common Council, following a hearing before the Board of Public Works, approves temporary construction work between 7:00 p.m. and 7:00 a.m. on any weekday or between 6:00 p.m. and 10:00 a.m. on any Saturday or Sunday. A notice of such public hearing shall be sent at least ten (10) days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property, in whole or in part, situated within three hundred (300) feet of the boundaries of the properties of the properties on which the construction is to take place.
5. Emergencies. The hour limitations in this subsection (f), shall not apply to emergencies where immediate action is required."

Approved as to form:

EDITOR'S NOTE:

Section 24.08(3)(f) currently reads as follows:

"(f) Limited exemption for construction noise: no person shall operate or permit the operation of any equipment used in construction work between the hours of 7:00 p.m. and 7:00 a.m. of the following day in such a manner as to unreasonably interfere with the peace, comfort, and quality of life of neighboring persons of ordinary sensibilities. The provisions of Subsection (6) shall not apply to construction machinery when engaged in bona fide, temporary construction work between the hours of 7:00 a.m. and 7:00 pm. of any day or between 7:00 p.m. and 7:00 a.m. of any day if the Common Council, following a public hearing before the Board of Public Works, approves temporary construction work between 7:00 p.m. and 7:00 a.m. A notice of such public hearing shall be sent at least ten (10) days prior to the date of the hearing to all owners of record, as listed in the Office of the City Assessor, and to all post office addresses of property, in whole or in part, situated within three hundred (300) feet of the boundaries of the properties on which the construction is to take place. Such hour limitations shall not apply to emergencies where immediate action is required."