



Legislation Text

File #: 03687, Version: 2

Fiscal Note

No expenditure required.

Title

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

Body

DRAFTER'S ANALYSIS: The proposal provides that construction noise is not permitted before 10 a.m. or after 7 p.m. on Sundays. 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entitled "Exemptions" of Section 24.08 entitled "Noise Control Regulation" of the Madison General Ordinances is hereby repealed and recreated to read as follows: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 Saturday. 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., from Monday through Saturday, 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. Sunday. On 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 7 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. from Monday through Saturday or between the hours of 10:00 a.m. and 7 p.m. on 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. from Sunday evening through Saturday morning, or between the hours of 7 p.m. Saturday and 10:00 a.m. on Sunday, if the Common Council, following a hearing before the Board of Public Works, approves temporary construction work during this period. 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."

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 p.m. 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."