# ORDINANCE NO. 693 CITY OF AUBURN HILLS

# AN ORDINANCE REGULATING THE HOURS AND DAYS FOR CONSTRUCTION ACTIVITY IN THE CITY OF AUBURN HILLS

## THE CITY OF AUBURN HILLS ORDAINS:

#### Section 1. Short Title.

This Ordinance shall be known and may be cited as the "Auburn Hills Hours of Construction Activity Ordinance.

## Section 2. Definitions.

The following terms, when used in this Ordinance, shall have the meanings set forth in this Section:

- A. "Construction Activity" shall mean any activity relating, but not limited to, the excavation, demolition, alteration, repair or construction of any building, structure, street, roadway, highway, parking area, pathway, sidewalk, water, drain and/or sewer installation.
- B. "Legal Holiday" shall mean those days that the City of Auburn Hills has recognized as a holiday and which are kept on a list at the City Clerk's office.
- C. "Sunrise" shall mean the time of day when the upper limb of the sun appears above the horizon.
- D. "Sunset" shall mean the time of day when the upper limb of the sun disappears below the horizon.

## Section 3. Hours and Days of Construction Activity.

Except as otherwise provided for in this Ordinance, construction activity shall only be permitted during the hours of 7:00 a.m. to 7:00 p.m., or sunrise to sunset, whichever is less, on Mondays through Saturdays, and no construction activity shall be permitted on Sundays or legal holidays.

#### Section 4. Exceptions.

- 1. The restriction on Sunday and legal holiday construction activity shall not apply when one of the following exists:
  - a. Written permission has been granted by the City Manager or his designee, where in their discretion a substantial hardship is shown and/or an emergency exists.
  - b. <u>Existing homes</u>: The construction activity is on or in connection with existing occupied single-family homes and no complaints are received by the City from the neighbors. If a complaint is received by the City, notice shall be given to the permit holder that no construction activity shall henceforth occur on Sundays or legal holidays, unless written permission from the City Manager is granted.
  - c. <u>Not in the vicinity of occupied homes</u>: Where there are no occupied homes located within 1,300 feet of the construction activity.

Unless written permission has been granted by the City Manager to the contrary, no Sunday and/or legal holiday construction activity which is permitted under this Section shall occur before 7:00 a.m. or sunrise, whichever is later, or after 7:00 p.m. or sunset, whichever is earlier.

2. The restriction on construction activity only during the periods from 7:00 a.m. or 7:00 p.m., or sunrise to sunset, whichever is less, on Monday through Saturday shall not apply when written permission has been granted by the City Manager or his designee where, in their discretion, hardship and/or an emergency situation is shown.

## Section 5. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

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#### Section 6. Penalty.

Any person, persons or entity violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both fine, costs and imprisonment at the discretion of the Court.

## Section 7. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this amendatory Ordinance takes effect, are saved and may be consummated according to the law when they were commenced.

#### Section 8. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such sections, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

#### Section 9. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

## Section 10. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 15th day of April, 2002, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES:

Mayor Harvey-Edwards, Mayor Pro Tem Pillsbury, Council Members Kittle, McDonald, McMillin, Newkirk, Sendegas None

NAYES: None **ABSTENTIONS:** None ABSENT:

SS.

STATE OF MICHIGAN

# COUNTY OF OAKLAND )

I, the undersigned, the duly qualified City Clerk of the City of Auburn Hi8lls, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 693 adopted by the Auburn Hills City Council on the 15th day of April, 2002, the original of which is on file in my office.

Helen R. Venos. City Clerk

Angents

Mari Harvey-Edwards, Mayor CITY OF AUBURN HILLS

