

CITY OF FRANKLIN MUNICIPAL CODE
Title 11, Chapter 4 – Hours of Construction
Worksession February 27, 2018

Current Ordinance - Municipal Code Title 11, Chapter 4 – Offenses Against the Peace and Quite

Hours of Construction

Monday – Friday	7:00 AM – 6:00 PM
Saturday	9:00 AM – 6:00 PM
No Work on Sundays and City Holidays	

Challenges

- Spending an inordinate amount of time policing construction sites and workers.
- Difficulty to discern “noise” consistently. Current ordinance is too broad “...would not result in any loud, disturbing, or unnecessary noise”.
- Delivery of building materials and heavy equipment to construction sites frequently occurs prior to and after hours.
- Construction site thefts are an on-going problem and difficult to determine who is working vs who is doing something malicious.
- Current penalty/fine not a deterrent. Contractors would rather pay \$ 50 fine than comply with ordinance.
- After some homeowners occupy their new home it is not uncommon for them to add porches, patios, pools, and other improvements that generate noise like the new homes under construction in the area. The City’s current ordinance does not distinguish between owner-occupied versus unoccupied or new buildings under construction.
- Sometimes difficult to distinguish between ordinance exceptions. For example, Landscaping Work. “Use of domestic power equipment (including, but not limited to, power lawn mowers, leaf blowers, trimmers, snow-blowers, tillers, saws, sanders, drills or similar devices) **between 7:00 a.m. and 9:00 p.m.**” **7 days of week, including holidays.**

Proposed Changes for Consideration

Improve Consistency and Clarity

- Should exceptions be provided to occupied dwellings whose owners desire to make improvements themselves or that have a contractor/friends perform work. Perhaps allowing them the flexibility to work on Saturday's (prior to 9:00 AM), Sunday's, and Holiday's?
- Is there interest to changing the hours of construction to make them the same Monday through Saturday? i.e. Monday through Saturday 7:00 AM – 6:00 PM
- Should we differentiate hours of construction between Greenfield (new) Development and Unoccupied Buildings when more than when 1000 feet or more from a residentially-occupied building (dwellings, hotels, apartments, assist-living facilities, nursing homes, etc.) and those in closer proximity?
- The Hours of Construction apply without exception to all construction activity whether outdoors or indoors, including the delivery of building materials and construction equipment.
- **Exception:** Cleaning of streets would be the only activity allowed one hour before and after authorized hours of construction.
- **Exception:** For work performed by City of Franklin, its contractors, and utility companies in the maintenance and repair of their facilities and infrastructure.
- City Administrator would still have the authority to grant exceptions on a case by case basis. Perhaps when 1000 feet or more from a residentially-occupied building (dwellings, hotels, apartments, assist-living facilities, etc.)

Construction Activity – Allowance After Hours for Indoor Work, only.

Where "Construction Activity" is occurring indoors at times other than allowed by this ordinance, noise created using compressors, saws, radios, pneumatic nail guns, and any other construction tools and equipment shall be prohibited if audible immediately beyond the building envelope.

Define “Construction Activity”

- 1) grading and excavating,
- 2) pouring concrete and idling of concrete mixing trucks,
- 3) operating construction-related equipment and tools,
- 4) performing site preparation, construction, demolition, alterations, or repair of any building, structure, or property, including but not limited to electrical, building, plumbing, HVAC, installation of utilities, roofing, siding, painting, new landscaping, etc. outdoors or indoors
- 5) operating a pile driver, power shovel, pneumatic hammer, power hoist, compressors, or other construction-type device,
- 6) loading and unloading of construction materials, including the delivery of construction materials and/or equipment or, the idling of delivery trucks,
- 7) **Exception:** for emergency repairs or completion of a specific time sensitive project element i.e. pouring of concrete, roofing.

Current and Proposed Penalty

Current:

- Municipal Citation \$ 50 plus court costs at the discretion of the judge

Proposed: Tiered Approach

- Municipal Citation \$ 50 plus court costs at the discretion of the judge.
- Discretion when more than one citation has been issued within a 12-month period on a project site for the developer/general contractor to secure the services of a private security company to monitor the project.
- Discretion when the private security firm has been unable to effectively monitor the project to issue a Stop Work Order until a meeting is facilitated with the general contractor and representatives of their sub-contractors.