

## Legislation Details (With Text)

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**Title:** Discussion and Guidance on Modifying the City of Franklin's Hours of Construction, Specifically Reducing the Current Subjectivity Associated with Staff Having to Determine Whether Construction Noise Is a Nuisance.  
**Sponsors:** Eric Stuckey, Vernon Gerth  
**Indexes:**  
**Code sections:** Title 8, Chapter 1 - Municiple Code - Alcoholic Beverages  
**Attachments:** 1. Hours of Construction Presentation 2-27-18

Date	Ver.	Action By	Action	Result
2/27/2018	2	Work Session	acknowledged	

**DATE:** February 23, 2018

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator  
Joann Willhite, Police Lieutenant

**SUBJECT:**  
Discussion and Guidance on Modifying the City of Franklin's Hours of Construction, Specifically Reducing the Current Subjectivity Associated with Staff Having to Determine Whether Construction Noise Is a Nuisance.

### Purpose

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning an increasing problem with contractors working at times other than allowed by Title 11 Section 4 of the City of Franklin Municipal Code and, with the difficulty for City Police Officers and staff to effectively enforce this ordinance due to the difficulty to consistently distinguish the types and volume of construction noise that are causing a nuisance.

### Background

The City's Police Officers and staff are spending an inordinate amount of time responding to citizen complaints regarding construction workers making noise (working) at times other than allowed by Title 11 Section 4 of the City's Municipal Code. Over the past two years, Lieutenant Joann Willhite and Assistant City Administrator Vernon Gerth have communicated frequently when issues arise. The primary challenges we face in effectively responding to complaints include:

- Difficulty in discerning "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 before and after hours.
- Current penalty/fine is not a deterrent. Contractors would rather pay the \$ 50 fine than comply with ordinance.
- After homeowners occupy their new home it is not uncommon for them to add porches, patios, pools, and other improvements that generate noise similar to the other homes under construction in the area. The City’s current ordinance does not distinguish between owner-occupied versus unoccupied or new buildings under construction.

This section of the Municipal Code was created in 2009. Lieutenant Willhite and our team have several ideas for consideration that are listed in the attached document. We will review these ideas and potential ordinance changes during the work session. Staff is seeking guidance from the Aldermen on how to proceed.

#### **Financial Impact**

With growing development activity, policing construction sites to ensure contractors are working as required by city ordinances is increasing and taking time away from our Police Officers and staffs other responsibilities in serving our citizens. The time savings by modifying this current ordinance would provide more efficiency in enforcement and clarity for construction workers for when they can work.

#### **Recommendation**

Staff is seeking guidance from the Aldermen on the various ideas presented in the attached document and discussed during the Worksession.