

## ORDINANCE NO. 2011-272

**AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING TITLE VII BUILDING AND HOUSING SECTION 7-1-190, CONSTRUCTION WORKING HOURS, RELATING TO THE DAYS AND HOURS IN WHICH CONSTRUCTION ACTIVITY IS EXEMPT FROM THE TOWN'S CONSTRUCTION REGULATIONS AND TO ESTABLISH A PROCEDURE TO SEEK RELIEF FROM THE RESTRICTIONS OF THE MUNICIPAL CODE OF THE TOWN OF WINDSOR**

**THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** Section 7-1-190 Construction Working Hours, is amended to read as follows:

The provisions of this section shall not apply to the following:

- (a) Emergency machinery; or
- (b) Construction equipment, vehicles, or work between the following hours, provided that all required permits for such construction, alteration, or repair, have been obtained from the appropriate Town departments.

### HOURS FOR CONSTRUCTION ACTIVITIES

7:00 a.m. through 7:00 p.m. Mondays through Fridays

8:00 a.m. through, 7:00 p.m. Saturdays

Prohibited all hours Sundays

### **Exemption Procedure**

An applicant may request an exemption for interior construction, alteration, or repair activities outside the permitted construction hours. Upon the permit holders written request an exemption may be granted by the Building Official or his/her designee. Temporary exemptions shall take into consideration the circumstances requiring construction activity outside standard construction hours and the short term impacts upon nearby residential and business communities.

Exemptions shall indicate whether or not the extended construction hours will be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the construction site. Unless an exemption is approved, construction activity outside the permitted construction hours shall be subject to the Town's construction hour regulations.

### **SECTION 2: Applicability**

The provisions of this ordinance shall be applicable to all building permit activities that will generate noise audible from off-site.

### **SECTION 3: Severability**

If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this

ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 4: Effective Date**

This Ordinance shall become effective thirty (30) days following its adoption by the Town Council. The Town Clerk shall cause this Ordinance to be published or to be posted in at least three (3) public places in Town in accordance with Section 36933 of the Government Code of the State of California.

**PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of December 2011, by the following vote:**

**AYES: COUNCILMEMBERS ALLEN, GOBLE, SALMON, SCHOLAR AND  
MAYOR FUDGE**  
**NOES: NONE**  
**ABSTAIN: NONE**  
**ABSENT: NONE**

  
**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**