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AUG 15 2011

ORDINANCE NO. 4317

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CHANDLER, ARIZONA, AMENDING THE CHANDLER CITY
CODE BY AMENDING CHAPTER 11, SUBSECTION 11-10

BE IT ORDAINED by the City Council of the City of Chandler, Arizona as follows:

SECTION 1: AMENDMENT OF CHANDLER CITY CODE:

11-10.2 Construction Noise.

A. It shall be unlawful for any person to ~~pour concrete or perform any~~ construction work in the city, except within the time periods specified herein. As used in this section, "construction work" shall include (1) operating construction-related equipment; (2) performing outside construction work; (3) performing outside repair work on buildings, structures or projects; and; (4) operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device; (5) idling or operation of concrete mixing trucks; and ~~(6) pouring concrete.~~

~~B. Concrete may not be poured and concrete mixing trucks may not be idled between the hours of 10:00 p.m. and 5:00 a.m. each day.~~

B. Construction work occurring within five hundred (500) feet of a residential property may not begin prior to 5:00 a.m. and may not continue beyond 10:00 p.m. on weekdays. Notwithstanding the foregoing, construction work occurring within five hundred (500) of a residential property shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or holiday. For the purposes of this section, a "residential property" is defined as a lot, parcel or tract of land containing one (1) or more dwelling units, and distance is measured from lot lines with any intervening public right-of-way being included in the measurement.

~~CD. Notwithstanding the foregoing, pouring concrete or performing of~~ construction work in a public place or right-of-way located within five hundred (500) feet of a residential property may begin prior to 5:00 a.m. and may continue beyond 10:00 p.m. on weekdays and prior to 7:00 a.m. and beyond 7:00 p.m. on any Saturday, Sunday or holiday, provided that an encroachment permit allowing such an extended time period is obtained. Said encroachment permit shall be kept on the work site and shown to city officials on request. For the purposes of this section, a "public place" is defined as any real property owned, maintained or controlled by the City.

DE. Nothing herein shall be construed to prohibit emergency construction work that is necessary to provide essential services such as water, sewer, electricity, data/communications, or gas to any property or to remedy an immediate threat to the public safety or the safety of the inhabitants of any given property.

EF. The Public Works Director or designee may revoke any encroachment permit granted hereunder upon complaint based upon substantial evidence that the construction activity caused unreasonable disturbance in the vicinity of the work site. To deny or revoke a permit, the Public Works Director or designee shall deliver or mail by certified mail to the business address shown on the permit application, a written notice that said permit is revoked and which lists the grounds therefore, and which may order the immediate stoppage of the work being performed under the permit pending any hearing on the revocation. A revoked permit shall be surrendered to the Public Works Director or designee on demand.

1. The permittee may request an informal hearing on such revocation by submitting a written request within ten (10) days after the notice of revocation is given and shall set forth specifically the grounds for the

hearing. If a hearing is not requested within ten (10) days of the date of notice, the revocation shall take effect on the eleventh day after the date of the notice. If a hearing is requested, no revocation shall take effect until after the hearing and date of notice of the Public Works Director or designee's final decision. An appeal of the Public Works Director's decision to the City Manager, may not be made prior to the date of notice of Public Works Director's final decision.

2. The permittee may appeal the final decision of the Public Works Director/designee within ten (10) days of the date of notice of such decision by submitting to the City Clerk a written notice of the permittee's intention to appeal to the City Manager/designee. A timely appeal shall result in a stay of any decision of the Director/designee, except that a work stoppage order may remain in effect. The appeal will be heard in accordance with the provisions set forth in Chapter 1. Failure to appeal in writing within the prescribed time constitutes a waiver of the right to appeal. The decision of the City Manager/designee shall be final.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ___ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

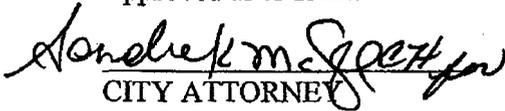
PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ___ day of _____, 2011.

ATTEST:

CITY CLERK

MAYOR

Approved as to form:


CITY ATTORNEY

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. ___ duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ___ day of _____, 2011, and that a quorum was present thereat.

CITY CLERK

Published: