

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. Existing homes: 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. Not in the vicinity of occupied homes: 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.

