

DEPARTMENT GENERAL ORDER 07-54

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 94-05
SOP 501.22.00

DATE: February 16, 2007

CONSTRUCTION WORK AFTER NORMAL HOURS

I. PURPOSE.

To provide department personnel information and guidance in regard to the enforcement of construction work after normal business hours.

II. AUTHORITY.

The city's code of ordinances limits construction activity, including excavation, demolition, alteration or repair of any building or structure to between the hours of 7 am to 6 pm, Monday through Friday, excluding national holidays. However, two exceptions to this ordinance have been adopted:

- A. Construction activity as described above performed only by an owner or occupant of residential property on Saturdays and holidays between the hours of 9:00 am and 6:00 pm shall not be prohibited.
- B. Construction activity performed only by an owner or occupant of residential property on Sundays between the hours of 9:00 am and 6:00 pm shall not be prohibited if the level of noise created by the activity cannot be heard beyond the property line of the residence where the work is performed.

The city manager, or his designate, has authority to issue a permit for construction activity outside of the normal time constraints on a case-by-case basis.

III. PROCEDURES.

Should anyone desire to conduct construction activity outside of the established daily time limits or during the weekend, the business and/or individual will be required to obtain prior authorization from the city manager. Such authorization will generally be in written form and a copy of the written approval will be forwarded to this department. The information will then be disseminated to the Field Operations Bureau and the Administrative Division of the Investigations and Support Bureau and posted on the appropriate information boards.

In certain instances, the city manager or his designate (to include the upper management of the Public Works Department) may be forced to verbally notify the watch commander or supervisor of pending construction activity that is to be held outside of normal hours. Should this occur, the City Manager or Director of Public Works will complete the necessary permit form as time permits. Copies of the form will then be distributed as listed above.

In the event that off-hours construction activity generates a complaint, the complainant is not to be advised to refer their complaint to public works. The Police Department will respond and act on all such complaints. If no construction permit has been filed with this department, or no proper verbal authorization has been issued, the work site shall be shut down. If a permit is found to be on file, the responding officer will check to make sure that the construction firm is complying with its provisions.

Depending upon the circumstances encountered, the officer investigating a complaint may issue a summons to the individual in control of the construction site. Where a summons is issued, it shall include all necessary information and will subsequently be forwarded to the city's prosecuting attorney for his review.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld
CALEA Reference: None