

ORDINANCE NO. 2020-0818-18

AN ORDINANCE TO AMEND SECTION 14-33 OF THE CODE OF ORDINANCES OF THE TOWN OF APEX

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. The definition of “Construction” in Section 14-29 of the Code of Ordinances of the Town of Apex is hereby amended as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Construction means on-site erection, fabrication, installation, alteration, **repair**, demolition, or removal of any structure, facility or addition thereto including all related activities including, but not restricted to, clearing of land, earth moving, blasting and landscaping. **Construction does not include owner occupied residential projects completed solely by the property owner and which do not require a building permit.**

Section 2. Subsection (7) of Section 14-33 of the Code of Ordinances of the Town of Apex is hereby amended as follows with additions shown as bold underlined text and deletions shown as struck-through text:

Sec. 14-33. - Other prohibited noises.

The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful:

- (7) **The creation of loud and excessive noise from construction activities**
~~The erection (including excavating), demolition, alteration or repair of any building or other structure~~ in a residential or business district **Monday through Friday** between the hours of ~~8:30~~ **7:00 p.m.** and 7:00 a.m., or **on Saturdays and holidays observed by the state between the hours of 7:00 p.m. and 9:00 a.m., or** at any time on **Sundays and** the following holidays: New Year's Day, Thanksgiving **Day**, or Christmas **Day**, except by permit from the building inspector when, in his opinion, such work will not create objectionable noise. The building inspector may permit emergency work in the preservation of public health or safety at any time.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect on January 1, 2021.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Donna B. Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney