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## Sec. 101-247. Conduct of construction restricted.

- (a) *Declaration of nuisances.* Except as permitted or excepted from regulation pursuant to this section, construction and demolition activities, and the use and maintenance of portable toilets and receptacles described in this section are hereby declared to be a nuisance.
- (b) *Prohibited days and hours/signage.* Except as provided in subsection (f) of this section, construction or demolition activities shall not be permitted on weekends or designated city holidays, or between the hours of 7:00 p.m. and the following 7:00 a.m. on weekdays. Except in connection with activity excepted by subsection (f) of this section, the building permit holder shall post on the affected site a sign prescribed by the building official or other designee of the city council site providing notice of the restrictions provided in this subsection. At the permit holder's election, the building official may provide the prescribed sign to be posted and may charge a reasonable fee therefor, based on the cost of production to the city, to be added to the building permit fee.
- (c) *Prohibited receptacles.* The location or maintenance of the following receptacles on any part of a property that is visible from a public street or another property is prohibited unless expressly allowed pursuant to subsection (e) of this section:
  - (1) Any movable receptacle (other than a permitted storage shed or other outbuilding) commonly used or actually used for storage of materials or personal property, such as receptacles used for moving and temporarily storing furnishings and personal property in connection with a move of residency or temporary vacation of a residence during a renovation project; and
  - (2) Any movable receptacle commonly or actually used for disposal or storage of construction waste, such as roll-off containers and dumpsters.
- (d) *Prohibited portable toilets.* The location or maintenance of a portable toilet on any property is prohibited unless expressly allowed pursuant to subsection (e) of this section.
- (e) *Exceptions applicable to prohibited receptacles and portable toilets.* A receptacle or portable toilet is permitted:
  - (1) During the pendency of a building permit affecting the property but not longer than a period of ten days after active and progressing construction work pursuant to such building permit for such property ceases. Construction work shall be deemed not to be active and progressing if such work ceases or no substantial progress is made for more than four consecutive weeks; and
  - (2) During the pendency, not to exceed 90 days, of construction, renovation or landscaping activity for which no building permit is required pursuant to the terms of this Code, if the owner of the affected property first submits a registration to the city secretary on a form promulgated by the building official indicating the nature of the work and the number of receptacles or portable toilets to be used and the commencement date for their use.
- (f) *Exceptions to prohibited days and hours of construction and demolition.*
  - (1) *Minor construction.* Minor construction and demolition activities include maintenance and repair work normally associated with home or business ownership and occupancy, landscaping, mowing, fencing, or painting, provided that no such activity creates a nuisance condition related to noise, traffic, odor, dust, or other conditions and is not in violation of any other city ordinance.
  - (2) *Interior construction activities.* Between the hours of 10:00 a.m. and 4:00 p.m. on Saturdays, interior construction activities are permitted provided the activities:
    - a. Take place wholly within a dried-in structure (i.e., for which exterior veneer and roof are substantially complete);

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- b. Do not require large equipment such as cement trucks, dozers, cranes or dump trucks;
  - c. Do not create a nuisance condition related to noise, traffic, odor, dust, or other conditions and are not in violation of any other city ordinance.
- (3) *Emergency work or work on public utilities.* Emergency work or work on public service utilities or work in the interest of public safety, as may be approved by the city administrator or his designee, is permitted.
- (g) *Variance.* The city council is authorized, upon written application, to grant a variance from the requirements of this section as will not be contrary to the public interest, where, due to special conditions or circumstances, literal enforcement of the requirements of this section will result in unnecessary hardship, or a variance therefrom will result a diminished inconvenience to the public and occupants of surrounding properties, and so that the spirit of this section shall be observed and substantial justice done. The city council must be satisfied that the grant of the variance will not merely serve as a convenience to the applicant but will serve to alleviate some demonstrable and unusual hardship or difficulty or will result in a tangible diminishment of inconvenience to the public and occupants of surrounding properties.
- (h) *Enforcement.* If the building official or the police department determines that there is a violation of this section, such building official or police officer may issue a ticket or citation.
- (i) *Penal.* A violation of this section shall constitute a class C misdemeanor that, upon conviction, may result in a fine not exceeding \$500.00 per violation. Each day that such violation continues shall constitute a separate offense.

(Code 1995, § 3.01.001; Ord. No. 2013-03-20, 3-20-2013; Ord. No. 2014-05-21(C), 5-21-2014; Ord. No. 2016-05-18(A), § 2, 5-18-2016; Ord. No. 2019-12-18-29, § 1, 12-18-2019; Ord. No. 2022-09-21-21, § 2, 9-21-2022)