

Construction Hours Bylaw

Summary Matrix (not part of Proposed Bylaw)

	Hours	Fines
Dover (proposed)	7 AM - 6 PM (M-F), 9 AM - 1 PM (SA)	\$100, \$200, \$300

PROPOSED GENERAL BYLAW Chapter 185-56

§ 185-56 -1 Definitions

Construction - Any site or building preparation, erection, grading, excavation, demolition, substantial repair, alteration, or assembly, preparation, or mobilization for any such activity on public or private property, structures, or utilities for compensation. "Construction" shall not include work performed by a property owner on his or her own residence. It is the intention of this bylaw to place the responsibility of using reasonable estimations of noise in consideration of your neighbors on the owner of the property.

§ 185-56 -2 Regulation of certain types of activities.

- A. Use of construction equipment, including, but not limited to, idling trucks, heavy earthmoving equipment, materials handling equipment, logging and land clearing equipment, pumps, generators, and air compressors, powered by any internal combustion or diesel engine, air-actuated nailing guns, circular saws, drills and the like, that are utilized for the purpose of building or assembling construction materials shall only be allowed outside of any structures on Monday through Friday from 7AM to 6PM and Saturdays from 9AM to 1PM. The outdoor use of this equipment during all other hours shall be prohibited.
- B. Persons engaged in construction work in residential neighborhoods shall not employ the use of radios or other noise-producing entertainment devices in such a manner so as to disturb the reasonable quiet, comfort or enjoyment of persons in neighboring property.
- C. Exemptions
 1. Noise associated with Emergency Work or Emergency Vehicles is exempt from the provisions of this Bylaw, provided such work is permitted by the Town. Emergency Work shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service. Emergency Vehicles shall mean any vehicle operated in an effort to protect, provide or restore public safety including, but not limited to, utility trucks, ambulances, police vehicles and fire vehicles.
 2. Nothing in this Bylaw should be construed to limit the ability to use construction equipment as described above when wholly contained within a structure.
 3. Noise associated with Municipal work or construction activities is exempt from this Bylaw, including, but not limited to, road work, milling, paving, tree removal, snow removal, and plowing. Noise associated with construction activities undertaken with authorization of the Town Administrator, Department of Public Works, or Board of Selectmen to complete a project in the public interest, in a timely and expeditious manner is exempt from this Bylaw.

§ 185-56 -3 Procedure

- A. Upon application of a building permit, Site Plan Review, or Special Permit application, the applicant shall be provided with a copy of the construction hours bylaw.
- B. The Building Inspector or any police officer of this Town shall have the authority to enforce this Bylaw.
- C. Any person(s) acting in violation this Bylaw shall be ordered to immediately cease the prohibited activities and may be subject to the Penalties listed in§ 185-56-4 below.

§ 185-56 -4 Penalties

- A. Violations of this regulation and penalties listed in this subsection may be subject to non-criminal disposition, M.G.L. c. 40, § 21D, and Town of Dover General By-Laws Chapter 20, Article I.
- B. Each violation of this Bylaw is subject to penalties as set forth in Dover General Bylaw Chapter 20-4. Each such act that continues or is repeated more than 1/2 hour after the issuance of a cessation order shall be considered a separate offense.
- C. The owner of any property on which a violation of this Bylaw occurs shall be responsible for any penalties imposed pursuant to this Bylaw.