



## MEMORANDUM

**TO:** Board of Building Appeals Members

**FROM:** William J. Heniff, AICP, Community Development Director

**MEETING DATE:** February 5, 2020

**SUBJECT:** **Text Amendments to Section 93.02 of the Village Code - Construction Hours**

As the Board of Building Appeals (BOBA) members will recall from the August, 2016 BOBA meeting that staff receives service requests and inquiries pertaining to permissible construction hours in the Village. Chapter 93.02(B) (Noise Standards) reads (emphasis added):

*(B) It is unlawful to conduct any operations (construction, repair, reconstruction, or maintenance), other than within a fully enclosed building or structure, or exterior property maintenance work (including, but not limited to landscaping and landscaping maintenance work), which involves the operation of any steam shovels, hammers (including power hammers, pneumatic hammers and jackhammers), tractors, bulldozers, pile drivers, chain saws, graders, riveters, earth movers, tree and stump grinders, trenchers, cement mixers, power hoists or derricks, demolition balls, power shovels, trucks, power equipment on wheels or traction chains, power lawnmowers, power edgers, power weed wackers or power hedge/bush trimmers, gasoline powered pumps, directional boring machines, and generators, **between the hours of 8:00 p.m. and 7:00 a.m.** at any location within the village in relation to which the buildings within a 300-foot radius are used exclusively for residential purposes. (The 300-foot radius is measurable to the actual structure and not the property line.) The provisions of this subsection shall not be applicable to emergency situations where the building operations or property maintenance work are being undertaken in response to a situation that poses an immediate danger to the building or threat to the health, safety and welfare of the surrounding residents or occupants. Nor does this provision apply to street openings or work performed by the Village of Lombard's Public Works Department.*

Recently, staff has received additional inquiries to further review this matter as some residents have expressed concerns about construction activity occurring on Sundays or holidays.

In review of the regulations, staff offers a few observations that have been shared with the public and the development community in the past. These include:

1. Restricting construction hours or reducing the number of days would mostly impact resident homeowners who may only have two days per week to devote to a project. Staff has argued that prohibiting construction on Sundays affects property owners more than contractors as many of the trades do not work the weekends (as they would be paying 1.5 or double time) and Sunday may be the only day(s) to complete projects being undertaken by property owners themselves. This observation has been confirmed by builders in the community.
2. Staff has concerns that reducing construction hours could cause delays in projects. This could impact Code Enforcement/Property Maintenance cases where the property owner is given a specific time frame (for example 30 days) to remedy the problem. By further limiting the hours a property owner can get the work done, the problem may persist.
3. Contractors seeking additional flexibility of construction start time in the summer. This issue has been reviewed on a case by case basis, keeping in mind that it is important to start work early, before the heat can potentially slow a project if work conditions become unsafe.

These representations notwithstanding, staff recognizes that public expectations on weekends can be a bit different than during the week. To that end and to reconcile such demands, staff is recommending an amendment to Chapter 93.02(B) to amend the early morning construction start hours from 7:00 a.m. to 8:00 a.m. on Saturdays and Sundays.

### **SURROUNDING COMMUNITIES**

Staff contacted fifteen (15) communities regarding their construction hours. The table is attached as Exhibit A.

### **ACTION REQUESTED**

As staff has been requested to review the matter again with BOBA, this matter is being brought back to BOBA with a recommendation to adjust the weekend hours for construction start activities as set forth and applicable above.

**Exhibit A**

**Construction Hours for Selected DuPage County Municipalities**

Municipality	Summary of Regulations
<b>Hinsdale</b>	<u>Construction Permitted</u> Monday – Friday 8:00 A.M. - 8:00 P.M. Saturday 8:00 A.M. – 4:00 P.M.  Construction Not Permitted on Sundays and the federal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.
<b>Wood Dale</b>	<u>Construction Permitted</u> Monday – Friday 7:00 A.M. - 7:00 P.M. Saturday 8:00 A.M. – 4:00 P.M. Not Permitted on Sundays and Holidays (Federal Holidays observed by the Village)
<b>Addison</b>	<u>Construction Permitted</u> Monday – Saturday 7:00 A.M. - 7:00 P.M.  Sundays and Holidays Observed by the Village 8:00 A.M. – 4:00 P.M.
<b>Glen Ellyn</b>	<u>Construction Permitted</u> Monday – Saturday 7:00 A.M. - 7:00 P.M. Sunday 8:00 A.M. – 5:00 P.M.
<b>Elmhurst</b>	<u>Construction Permitted</u> Monday – Saturday 7:00 A.M. - 6:00 P.M. Sunday 10:00 A.M. – 6:00 P.M.
<b>Downers Grove</b>	<u>Construction Permitted</u> Monday – Saturday 7:00 A.M. - 9:00 P.M. Sunday 8:00 A.M. – 9:00 P.M. <u>Heavy Construction Permitted</u> Monday - Saturday 7:00 A.M. - 7:00 P.M. Heavy Construction Not Permitted on Sunday
<b>Carol Stream</b>	<u>Construction Permitted</u> Monday – Friday 6:00 A.M. - 8:00 P.M. Saturday 8:00 A.M. – 8:00 P.M. Construction Not Permitted on Sunday
<b>Lisle</b>	<u>Construction Permitted</u> Monday – Saturday 7:00 A.M. - 9:00 P.M. Sunday 9:00 A.M. – 7:00 P.M.
<b>Glendale Heights</b>	<u>Construction Permitted</u> Monday - Sunday 7:00 A.M. - 9:00 P.M.



<p><b>Oak Brook</b></p>	<p><u>Residential Areas</u>                  Heavy Tools: 7am - 6pm Monday through Friday                  Other Tools: 7am - 8pm Monday through Friday                  Heavy Tools: 9am - 5pm Saturdays                  Other Tools: 8am - 7pm Saturdays                  Heavy Tools: Not Allowed, Sundays                  Other Tools: 9am - 6pm Sundays</p> <p><u>Commercial Areas</u>                  Commercial Heavy Tools: 6am - 6pm Monday through Saturday                  Other Tools: 6am - 8pm Monday through Sunday                  Commercial Heavy Tools: Not Allowed, Sundays</p>
<p><b>Itasca</b></p>	<p><u>Construction Permitted</u>                  Monday – Friday 7:00 A.M. - 7:00 P.M.                  Saturday, Sunday and Holidays Observed by the Village 8:00 A.M. – 7:00 P.M.</p>
<p><b>Oakbrook Terrace</b></p>	<p><u>Construction Permitted</u>                  Monday – Friday 7:00 A.M. - 6:00 P.M.                  Saturday – Sunday 9:00 A.M. – 5:00 P.M.                  Selected federal holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas) are precluded from construction activity</p>
<p><b>Wheaton</b></p>	<p><u>Construction Permitted</u>                  Monday - Sunday                  7:00 A.M. - 7:00 P.M.</p>
<p><b>Westmont</b></p>	<p><u>Construction Permitted</u>                  Monday - Sunday                  7:00 A.M. - 8:00 P.M.</p>
<p><b>Villa Park</b></p>	<p><u>Construction Permitted</u>                  Monday – Saturday: 7:00 A.M. – 7:00 P.M.                  Sunday: 8:00 A.M. - 6:00 P.M.</p>