

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda


Resolution or Ordinance (Blue) Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE : February 11, 2020 (BOT) Date: February 20, 2020

SUBJECT: Text Amendments to Section 93.02 (B) of Village Code: Construction Hours

SUBMITTED BY: William J. Heniff, AICP, Director of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Board of Building Appeals (BOBA) undertook a review of code provisions and policy documents relative to construction hours at their February 5, 2020 meeting. This effort was undertaken as a result of public complaints. The proposed amendments change the construction hours (use of noise emitting equipment) by one hour later (7:00 a.m. to 8 a.m.) on Saturday and Sundays only.

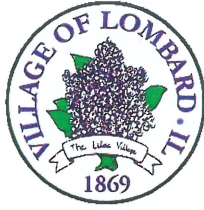
Please place this item on the February 20, 2020 Village Board agenda. BOBA voted 4-0 to recommend approval of the Code amendments relative to Chapter 93 as it pertains to noise nuisance. Please place this petition on the February 20, 2020 Board of Trustees consent agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

MEETING DATE: February 20, 2020

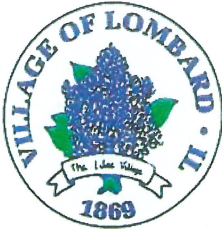
SUBJECT: **Text Amendments to Section 93.02(B) of Village Code: Construction Hours**

The Lombard Board of Building Appeals (BOBA) undertook a review of code provisions and policy documents relative to construction hours at their February 5, 2020 meeting. This effort was undertaken as a result of public service requests. The proposed amendments change the construction hours (use of noise emitting equipment) by one hour later (7:00 a.m. to 8:00 a.m.) on Saturday and Sundays only.

For reference purposes, the lined version of the proposed amendments is included within the BOBA memorandum as well as the draft ordinance.

ACTION REQUESTED

Please place this item on the February 20, 2020 Village Board consent agenda. BOBA voted 4-0 to recommend approval of the Code amendments relative to Section 93.02(B) as it pertains to construction activities as a noise nuisance.



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

<p>Oak Brook</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>Itasca</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>Oakbrook Terrace</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>Wheaton</p>	<p><u>Construction Permitted</u> Monday - Sunday 7:00 A.M. - 7:00 P.M.</p>
<p>Westmont</p>	<p><u>Construction Permitted</u> Monday - Sunday 7:00 A.M. - 8:00 P.M.</p>
<p>Villa Park</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>

ORDINANCE _____

AN ORDINANCE AMENDING TITLE IX, CHAPTER 93, SECTION 93.02
OF THE LOMBARD VILLAGE CODE

(Noise Standards)

WHEREAS, the Lombard Board of Building Appeals met on February 5, 2020, to consider the Village Code amendments pertaining to noise standards as set forth below; and,

WHEREAS, the Lombard Board of Building Appeals has also filed their recommendations with the President and Village Board of Trustees, recommending approval of the Village Code amendments set forth below;

WHEREAS, the President and Board of Trustees approve and adopt the recommendations of the Lombard Board of Building Appeals as fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title IX, Chapter 93, Section 93.02 of the Lombard Village Code is hereby amended to read in its entirety as follows:

The proposed language is below, with text amendments in **bold and underline**, and deletions denoted by a ~~strikethrough~~.

§ 93.02 – Noise Standards adopted.

- (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~~ **weed-whackers** 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. **Monday through Friday and between the hours of 8:00 p.m. and 8:00 a.m. Saturdays and Sundays** 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.
(Ord. 5079, passed 3-7-02; Ord. 6217, passed 8/21/08)

SECTION 2: That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2020.

First reading waived by action of the Board of Trustees this ____ day of _____, 2020.

Passed on second reading this ____ day of _____, 2020, pursuant to a roll call vote as follows:

Ayes: _____

Nays: _____

Absent: _____

Approved by me this ____ day of _____, 2020.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet from this ____ day of _____, 2020.

Sharon Kuderna, Village Clerk

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ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet from this ____ day of _____, 2020.

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