

**Amendment to the Code of Ordinances to add a new Sec.12-4
Nuisances - Construction Activities Prohibited During Certain Times**

Council Introduction

February 8, 2021

CH. II-12 NUISANCES

Sec.12-4. Construction activities prohibited during certain times

A. Purpose.

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare, and quality of life for the residents of Falmouth through the reduction, control, and prevention of excessive or continuous construction noise. This Ordinance is intended to regulate noise generated by construction activities in order to minimize negative impacts on nearby and adjacent properties and to allow for the peaceful enjoyment of those properties.

B. Definitions.

For the purpose of this Sec.12-4, the following words and phrases shall have the following meanings:

Construction activities shall mean any activities related to the construction, demolition, repairing, or installing of buildings, structures, roads, driveways, or utility lines, including land clearing, grading, excavating, and filling associated therewith.

Holidays shall mean those days established by the federal government as holidays per 5 U.S.C. §6103

Major projects shall mean the following approvals issued by the Planning Board after the date of enactment of this Sec.12-4:

- Final subdivision approvals involving five or more lots or five or more dwelling units.
- Site plan approvals involving more than 20,000 square feet of gross floor area, as that term is defined in CH. II-19-1-2 of this Code, for properties located in Residential Rural Districts and Residential Growth Districts as those districts are defined in Section 19-6 of this Code.

Nighttime hours shall mean the hours between 7:00 p.m. and 7:00 a.m. everyday

Restricted Sunday hours shall mean the hours on Sunday between 7:00 a.m. and 9:00 a.m. and the hours on Sunday between 4:00 p.m. and 7:00 p.m.

C. Prohibited Acts.

1. Construction activities associated with major projects are prohibited on Sundays, on holidays, and during nighttime hours except as otherwise provided in this Code.
2. Notwithstanding anything to the contrary in Sec. 12-4.C.1, construction activities, whether or not associated with major projects, related to a structure for which a certificate of occupancy has previously been issued are prohibited during restricted Sunday hours, on holidays, and during nighttime hours except as otherwise provided in this Code.
3. Construction activities not associated with major projects are prohibited during restricted Sunday hours, on holidays, and during nighttime hours except as otherwise provided in this Code.

D. Exceptions.

The following construction activities shall be exempt from this Sec.12-4:

1. Activities undertaken by the Town of Falmouth and/or its agents or contractors.
2. Activities undertaken by the State of Maine and/or its agents or contractors.
3. Emergency construction or repair work by a public utility as that term is defined in 35-A M.R.S. §102.
4. Emergency situations that pose an immediate threat to property, life, health, safety, or welfare as determined by the Police Chief or their designee.

E. Enforcement and penalty.

Police officers of the Town shall have the authority to administer and enforce the provisions of this Sec. 12-4. Violations of, or failure to comply with, this ordinance are subject to the enforcement mechanisms, fines, and penalties established in 30-A M.R.S. §4452.