

## **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 activity related to the construction, demolition, repairing, or installing of buildings, structures, roads, driveways, or utility lines, including land clearing, grading, excavating, and filling.

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

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

#### ***C. Prohibited Acts.***

No person shall conduct any construction activities on Sundays, on holidays, or during nighttime hours except as otherwise provided in this Code.

#### ***D. Exceptions.***

The following uses and activities shall be exempt from the limitations of this Sec.12-4:

1. Any activities undertaken by the Town of Falmouth and/or its agents or contractors.
2. Emergency construction or repair work by a public utility as that term is defined in 35-A M.R.S. §102.
3. 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.