

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER URBAN
Council Bill No. 24
Ordinance No. 1585
Series of 2015

TITLE: AN ORDINANCE AMENDING SECTION 5-38 AND CHAPTER 16 OF THE WHEAT RIDGE CODE OF LAWS TO PLACE LIMITS ON THE HOURS OF PRIVATE CONSTRUCTION ACTIVITY IN THE CITY AND PROVIDING A REMEDY FOR VIOLATIONS OF THE SAME

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations prohibiting certain conduct and defining general offenses that harm or pose a threat to the public health, safety or welfare; and

WHEREAS, the Council finds that the conduct of construction activities during certain hours presents a threat to the public welfare by degrading or preventing the quiet enjoyment of properties adjacent to and in the immediate area of the property upon which the construction occurs, particularly during the hours many residents devote to sleep; and

WHEREAS, the Council finds that restricting construction activities to certain hours of the day strikes a fair balance between the competing needs of residents and businesses to perform construction projects and the needs of other residents and businesses to enjoy their respective properties in relative peace and comfort; and

WHEREAS, the Council therefore determines that it is necessary and desirable to impose certain hours restrictions on construction activities and to authorize adverse action against a building permit when work performed under the permit violates those restrictions, all as further set forth herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 5-38 of the Wheat Ridge Code of Laws, concerning building permit suspension and revocation, is hereby amended as follows:

Sec. 5-38. Revocation and suspension—Generally.

The building inspection division may revoke or suspend any permit or may stop the work for any of the following reasons:

(1) Whenever there is a violation or suspicion of a violation of any provision of this chapter, or any city ordinance which the division is empowered to enforce OR SECTION 16-115 OF THIS CODE, CONCERNING PERMISSIBLE HOURS OF CONSTRUCTION ACTIVITIES.

(2) Whenever the continuance of any work becomes dangerous to life or property.

Section 2. Chapter 16 of the Wheat Ridge Code of Laws, concerning general offenses, is hereby amended by the addition of a new section 16-115, to read in its entirety as follows:

Sec. 16-115. Construction activities – hours restricted.

(a) Except as otherwise provided herein, it is unlawful for any person to engage in, or cause or permit any person to be engaged in, construction activities in any residential or commercial district between the hours of seven (7:00) P.M. of one day and seven (7:00) A.M. of the following day. Construction activities required to address an immediate threat to the health, safety or welfare of any person are exempted from the provisions of this section.

(b) As used in this section, "construction activities" includes, by way of illustration only and not by way of limitation: pouring concrete and idling of concrete mixing trucks; operating construction-related equipment; performing outside construction work for the purposes of erection, demolition, excavation, alteration or repair of any building, structure or project; operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device; and loading and unloading of construction materials or idling of delivery trucks, specifically excluding interior construction activities that do not otherwise violate Section 16-103 of this Code.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 4. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 12th day of October, 2015, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for October 26, 2015, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 26th day of October, 2015.

SIGNED by the Mayor on this 26th day of October, 2015.



Joyce Jay, Mayor

ATTEST:

Janelle Shaver

Janelle Shaver, City Clerk



Approved As To Form

Gerald E. Dahl

Gerald E. Dahl, City Attorney

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