

AN ORDINANCE REGULATING THE TIMES DURING WHICH CONSTRUCTION ACTIVITIES
MAY BE CONDUCTED

Adopted October 11, 1996

Amended November 18, 2006

Amended October 8, 2020 effective November 26, 2020

WHEREAS, the Borough of Fenwick (the "Borough") is authorized by Section 20 of the Special Act No. 271 of the Special Acts of 1899, as amended, enacted by the General Assembly of the State of Connecticut (the "Special Act") to make and enforce ordinances for various purposes, including, among other things, the preservation of peace and order; the keeping of the streets and all public places quiet from all undue noise; the provision for the health of the Borough, and the prevention and abatement of every kind of nuisance; the compelling of the removal from any place in the Borough of all nuisances injurious to health or offensive or annoying to the public; the regulation of the carrying on within the Borough of any kind of trade, manufacture, or business prejudicial to public health, or dangerous to, or constituting an unreasonable annoyance to those living or owning property in the vicinity; and the regulation of the construction of buildings;

WHEREAS, due consideration has been given to such purposes as applied to the character of the Borough and the needs of the public, including the protection of residents of and the owners of property in the Borough from unreasonable and unnecessary noise, dust and debris, and traffic during the summer season when the Borough is most heavily occupied; and

WHEREAS, the control and regulation of the times during which construction activities may be conducted is necessary for the purpose of promoting the foregoing purposes;

NOW, THEREFORE, in order to promote the foregoing purposes and as so authorized, it is hereby ordained that:

SECTION 1. Prohibition of Certain Activities During Certain Days and Times.

- A. Restricted Days. For purposes of this ordinance, the period between and including the Friday before Memorial Day and the second Monday in October shall be referred to as the Summer Season. Except as provided in Section 2, the activities set forth in subsection C of this section shall be prohibited at any time of day during all of the following days each year: (i) all holiday weekends (Saturday, Sunday and Monday) during the Summer Season; (ii) all Sundays during the Summer Season; and (iii) all days during the period from July 1 to the Tuesday immediately following Labor Day. The activities specified in subsection D of this section shall be prohibited as set forth in that subsection. The activities specified in subsection E shall be prohibited during the days set forth in subsection A(iii), above.
- B. Restricted Times. Except as provided in Section 2, the activities set forth in subsection C of this section shall be prohibited before 7:00 a.m. and after 7:00 p.m. on every day of the calendar year. No yard maintenance activities by any person shall be permitted before 8:00 a.m. or after 5:00 p.m. on any day of the year.
- C. Primary Restrictions. During the days and times set forth in subsections A and B, the following activities shall be prohibited throughout the Borough of Fenwick except in the circumstances described in Section 2: (i) construction, reconstruction, enlargement, erection, or exterior alteration or repair (including painting) of buildings and structures, including but not limited to driveways, patios, walkways and similar paved surfaces; (ii) interior alterations and repairs to structures by persons other than those currently occupying the building; (iii) any activities requiring the issuance of a building permit or trade permit (e.g., electrical, plumbing, HVAC, generator installation); (iv) excavation,

grading, removal and depositing of earth materials; (v) draining and filling of pools; and (vi) cutting of trees.

- D. Yard Maintenance Restrictions. Yard maintenance by persons other than the current owner or occupant of the relevant property shall be prohibited during all Fridays, Saturdays, and Sundays and holidays during the Summer Season. Time restrictions for all yard maintenance activities, including by owners and occupants, are set forth in subsection B, above.
- E. Restrictions on Large Vehicles. Vehicles having more than two axles (not including removable trailers) are prohibited on Borough streets during the days specified in subsection A(iii) of this section except where necessary to make a delivery of goods or materials to a home within the Borough, and only after the need for such delivery has been reviewed and approved, and a permit issued, by the Warden, Building Official, or Zoning Enforcement Officer of the Borough.
- F. Restrictions on Parking. Vehicles and trailers used by persons in connection with, or in the course of performing, any of the activities listed in subsections C and D, above, may not be parked on or along Borough roads.

SECTION 2. Exceptions.

The restrictions established in Section 1 of this ordinance shall not apply to any maintenance activities by the Borough or on Borough property, or to any activities that have been previously reviewed, and for which a written approval has been issued, by the Warden, Building Official, or Zoning Enforcement Officer of the Borough where such enforcement official has determined that the activity or activities are reasonably needed to repair existing appliances, fixtures, or equipment, or to correct, prevent, avoid or mitigate property damage or a threat to public health or safety. A request for such approval may be made, and approval may be granted, by email or similar electronic means.

SECTION 3. Administration and Enforcement.

The provisions of this ordinance shall be enforced by the Warden, Building Official, Zoning Enforcement Officer, or such other individual as may be designated by the Board of Warden and Burgesses. Any such designated official may require that any application submitted for a permit shall include or be accompanied by a specific written agreement to comply with the restrictions set forth in this ordinance. Any enforcement official designated under this ordinance is hereby authorized to inspect or cause to be inspected any building or other structure, and any property upon which any restricted activity is reasonably suspected to have been occurring, and to issue any appropriate order relating to the enforcement of these provisions, including revocation of any permit. If any provision of this ordinance is violated, such official, in addition to any other remedies, may institute an action or proceeding in a court of appropriate jurisdiction to prevent or stop such violation. In addition, the owner or agent of any property where a violation of any provision of this ordinance exists, or the lessee or tenant of any such property, or the agent, architect, builder, contractor, or other person who commits, takes part in or assists in any such violation, shall be fined not more than one hundred dollars for each day that such violation exists and each such day shall constitute a separate violation.

SECTION 4. Miscellaneous.

The terms "building", "structure", and "earth materials" shall have the same meaning in this ordinance as in the Zoning Regulations of the Borough of Fenwick, except that, for the purposes of this ordinance, the term "structure" shall also include driveways, patios, walkways and similar paved surfaces. This ordinance shall become effective 30 days after publication of its enactment in accordance with Section 7-157 of the Connecticut General Statutes.