

ORDINANCE 2016-DEVSRVCS-BC-G-1089

AN ORDINANCE AMENDING ORDINANCE G-1084

IN RELATION TO CONSTRUCTION ACTIVITY

WHEREAS, the President and Board of Trustees approved and passed Ordinance 2016-DEVSRVCS-BC-G-1084, "An Ordinance Amending Chapters 1 And 2 Of Title 10 Of The Village Code Of The Village Of Oak Brook Relating To Building And Fire Codes" on September 27, 2016; and

WHEREAS, after the above-named ordinance was approved and passed, the President and Board of Trustees directed the Village Attorney and Village staff to amend same in relation to Section 10-1-6K (Hours of Construction).

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OAK BROOK, DU PAGE AND COOK COUNTIES, ILLINOIS, as follows:

Section 1: Recitals. The foregoing preambles are restated and incorporated herein by reference as though fully set forth herein.

Section 2: Chapter 1 (Building Code) of Title 6 (Building Regulations) of the Village Code is amended by deleting Section 10-1-6K (Hours of Construction) in its entirety and replacing it with the following language:

K. Hours Of Construction:

Except as provided in subsections A, B, C and D of this section no person or entity shall perform construction activities, perform any activity requiring a building permit, or operate heavy equipment, except as follows:

Location	Day of the Week	Permitted Time
<p>Residential Zone Districts- Interior or Exterior Hand Tools: Hand Tools may be used at any time within the interior of a fully enclosed structure provided that there is no construction related sound <u>heard</u> at the property line. For the purposes of this section "hand tools" shall mean tubing cutters, volt-ohm meters, manual pipe benders, pliers, wrenches, screwdrivers, paint brushes, rollers, torches, brooms, and similar tools that are substantially silent in operation. "Hand tools" shall not include hammers or any other item used as a striking implement.</p>	Monday-Friday	Heavy Equipment- Between 7:00am and 6:00pm Other Tools- Between 7:00am and 8:00pm
	Saturday	Heavy Equipment- Between 9:00am and 5:00pm Other Tools Between 8:00am and 7:00pm
	Sunday	Heavy Equipment- Not Permitted Other Tools- Between 9:00am and 6:00pm
All other Zone Districts- Exterior*	Any	Heavy Equipment- Between 6:00am and 6:00pm Other Tools- Between 6:00am and 8:00pm

Additions are bold and double-underlined; deletions are struck through.

<p>*Exception: Any property that shares a lot line with a Residential Zone District, <u>within five hundred feet (500')</u> of the <u>Residential Zone District.</u></p>	<p>Any</p>	<p>Heavy Equipment- Same as Residential Zone Districts</p>
<p>All other Zone Districts- Interior</p>	<p>Any</p>	<p>Other Tools- Any Hand Tools- Any</p>

Heavy Equipment*For purposes of this section, "heavy equipment" shall mean gasoline or diesel powered air compressors, gasoline or diesel powered saws, bulldozers, jackhammers, pile drivers, power hammers, chain saws, graders, riveters, earthmovers, tree and stump grinders, trenchers, cement mixers, tractors, power hoists or derricks, demolition balls, power shovels, dump trucks, and power equipment on wheels or traction chains, or other similar equipment, but shall not include garbage trucks, which are governed by separate agreement within the village, non-construction delivery vehicles, trucks operating on designated truck routes, or snow removal equipment.

Residential Zone District ***For the purposes of this section "Residential Zone District" shall include all zone districts R1, R2, R3, R4 and R5 with the additional inclusion of any contiguous street, right-of-way, or public owned property.

Other Tools** For the purposes of this section "Other Tools" shall mean any construction tool that is neither defined herein as "Hand Tools" or "Heavy Equipment". Other tools shall include-but not be limited to: electric compressors, nailers, hammers, cord-connected electric saws, drills, or similar equipment. **It is anticipated that "Other Tools" will create a sound level that can be heard at the property line.**

Exceptions:

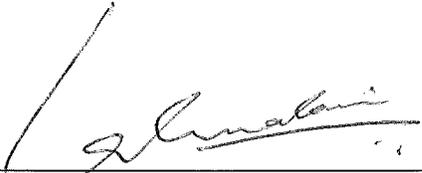
1. Emergencies: The limitations stated in this section shall not apply in any situation which requires heavy equipment or other tools in emergencies to assist or avoid a problem related to health or to safety of persons or property, or to sewer, water, power, utility, or telephone interruptions.
2. Work by Public Agencies: The limitations stated in this section may be waived by the board of trustees by resolution for work undertaken by any public body or agency for the benefit of the public. The board of trustees may attach to any such waiver all conditions it deems necessary to protect the public health, safety or welfare.
3. Waiver: The limitations stated in this section may be waived by the *building official* in areas of the village zoned for nonresidential uses pursuant to the village zoning ordinance; provided, however, that no such waiver shall be granted unless the *building official* finds that:
 - a. The party seeking the waiver will suffer a unique or unusual hardship unless the waiver is granted; and
 - b. The granting of a waiver will not cause a substantial or undue adverse impact upon adjacent property or upon the public health, safety and welfare.
 - c. The village manager may attach to such waiver all conditions he deems necessary to protect the public health, safety or welfare.
4. Building Permits: Work undertaken pursuant to any permit issued by the village shall be subject to the provisions of this section.

Section 3: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 4: All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

APPROVED THIS 11th day of October, 2016.



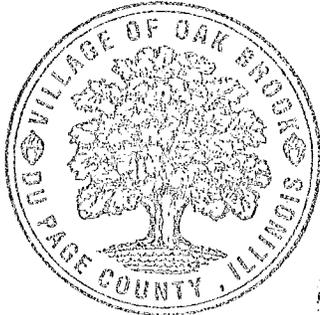
Gopal G. Lalimalani
Village President

PASSED THIS 11th day of October, 2016.

Ayes: Trustees Baar, Manzo, Moy, Tiesenga, Yusuf

Nays: None

Absent: Trustee Adler



ATTEST:



Charlotte K. Pruss
Village Clerk