

City Council Workshop

Agenda Item #2

November 27, 2017

Nighttime Trash Collection &
Construction in Residential Zones

Councilor Morgan has initiated this discussion following several complaints related to nighttime waste collection and construction work during hours when neighbors are typically sleeping. Examples of recent complaints include:

- Re-paving of a private parking lot in a commercial zone during evening hours. The work was done within earshot of an adjacent residential neighborhood.
- Waste collection and emptying of dumpsters in early morning hours (i.e. prior to 6am) at businesses adjacent to residences.
- Night work on Main Street, which is a State road. DOT's position is that it is exempt from municipal restrictions on hours of work.

For construction/excavation, Chapter 17 prohibits construction or excavation work between 9 pm to 7 am in Residential A, AA, and G zones without permit from the City Council. However, in other zones, this restriction is not in place. Chapter 30 does address noise issues but only for new construction (i.e. post-May 13, 2003) and a number of factors make this ordinance difficult to enforce, including the lack of a properly calibrated noise meter, hours when meter would need to be in use by staff who work days, etc. Therefore, in order to properly address these types of noise concerns, Council could amend Chapter 17 to include additional zones and/or prohibit such work within a certain distance of the existing residential zones. For example, although nighttime work is allowed in a commercial zone, if the work is within 500 feet of a residential zone(s) then a permit from Council would be required.

For waste collection, Chapter 9 (Garbage & Refuse) does NOT currently restrict the hours of operation for solid waste haulers and the same issues with Chapter 30 (as noted above) apply here. In order to address these concerns, an amendment could be made to Chapter 9 to restrict the hours of operation in certain zones and/or within a certain distance of residences. This could be tied to the hauler's license, and any violation of the City's Code of Ordinance would be a basis for suspension or revocation of their license (per Chapter 14).

On its face, it seems that requiring a night work permit and/or regulating waste collection hours of operation, in certain zones or within a certain distance of residences, would go a long way to solve these issues. However, the Council should also consider the possibility of unintended consequences resulting from new rules, which could affect traffic safety and/or public health. Therefore, staff has invited all licensed waste haulers to the November 27 meeting to provide their insight and answer any questions the Council may have. It has been conveyed to staff that there may be a small number of

waste collection points that are very challenging during regular daytime hours, and this should be investigated further. We have also reached out to neighbors who have complained about these noise issues so that they can share their insights and provide examples of why an ordinance amendment is needed in order to address these concerns.



City Manager



City Council
WORKSHOP PROPOSAL FORM

Date Submitted: 10.26.2017 Sponsored by Councilor(s): CLAUDE MORGAN

Title: AMENDING ORDINANCES TO ENFORCE DISTURBANCES OF THE PEACE

Nature of Proposal: Information Exchange OR Possible Council Action

If Possible Action: Resolve Order Ordinance

Summary/Description:

Residents are registering complaints about tasks and work performed in the evening and early morning hours, such as trash hauling and construction work. Complaints originate in our densest neighborhoods. Knightville, Willard Beach, and Meetinghouse Hill are three examples. City has ordinance language that addresses appropriate times to perform work--but does not have the language to enforce compliance. Residents seek relief from this disturbance. I believe the Council can provide that relief by adopting simple amendments to existing language. City Manager and Corporation Counsel have reviewed the existing language and are poised to offer amendments that will address the complaints. Examples:

Chapter 9 (Garbage and Refuse) could be amended to restrict the hours of operation for solid waste haulers in certain zones and/or within a certain distance of residences. Failure to comply with such a restriction could lead to license suspension/revocation or fines levied.

Chapter 17 Sec. 17-23 could be amended to include additional zones and/or prohibit such work within a certain distance of those zones, i.e. nighttime work within 300 feet of residential zones requires a permit from City Council.

Is it Time-Sensitive? No Yes If Yes, What is the Deadline:

Explain:

This is a year-round problem. Complaints are not seasonal. A good night's sleep is requisite for quality of life and good health.

Workshop Preparation Requested (i.e. staff presentation, guest speaker(s), Council discussion only, etc.):

Staff research is completed. Request that staff provide model amendments at our workshop.

Estimated Time Required: 45 minutes