

City of Canton
State of Georgia
County of Cherokee
Ordinance _____

ORDINANCE OF THE CITY OF CANTON

WHEREAS, the City of Canton is authorized by the constitution of the State of Georgia to adopt rules, regulations, laws, and ordinances protecting the public health, safety and welfare of the citizens of the City.

WHEREAS, the City by and through its Mayor and Council have deemed it in the best interest of the health, safety and welfare of the citizens of the City of Canton, to adopt an ordinance governing Zoning.

NOW THEREFORE, be it ordained by the Mayor and Council of the City of Canton, Georgia and it is hereby ordained by the authority thereof, that:

THE CITY OF CANTON CODE OF ORDINANCES, CHAPTER 33, NUISANCES, ARTICLE V, NOISE CONTROL, SECTION 33-135, CONSTRUCTION OR REPAIR OF BUILDINGS BE AMENDED AS FOLLOWS:

That **Section 33-135, Construction or Repair of Buildings** be deleted in its entirety and replaced with the following:

Section 33-135. – Construction, Land Construction and/or Repair of Buildings.

Construction work shall include: (1) pouring concrete and idling of concrete mixing trucks, (2) operating construction-related equipment, (3) performing outside construction work for the purposes of erection (including excavating), demolition, alteration or repair of any building, structure or project, (4) operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device, and (5) loading and unloading of construction materials or idling of delivery trucks. For the purposes of this section, “occupied” shall mean a habitable residential dwelling receiving electrical service. The distance to an occupied residence shall be measured from the exterior walls of the building or portions thereof.

A. Start/Stop Times

1. Construction work (residential): All construction work within 500 feet of residential zones and within 1,500 feet of an occupied residence shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. Construction work associated with the installation of infrastructure associated with a new residential subdivision shall notify all property owners within 500 feet of the project that construction work is beginning. This notification shall be sent to those property owners a minimum of 2 weeks prior to the commencement of construction work. A sample

notification letter is available at the Canton Community Development Department.

2. Construction work (non-residential): All construction work within 500 feet of residential zones and within 1,500 feet of an occupied residence shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. Non-residential construction work shall notify all property owners within 500 feet of the project that construction work is beginning. This notification shall be sent to those property owners a minimum of 2 weeks prior to the commencement of construction work. A sample notification letter is available at the Canton Community Development Department.

3. Weekends: Construction work is not allowed on Sundays. Construction work is allowed on Saturdays. Saturday construction work shall not begin prior to 9:00 a.m. and must stop by 6:00 pm.

B. Permit

All construction work is subject to a permit to be obtained from the Canton Community Development Department (LDP, Building, Clearing, Clearing/grubbing, etc.).

C. After Hours Work Permit

There are times when work must occur outside of the permissible hours. The requirements of this section do not apply for emergency work "...necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger." For non-emergency work outside of the permitted hours, you may apply for an After Hours Work Permit. The After Hours Work Permit shall go before the Canton City Council and the above notification standards shall be complied with for the After Hours Work Permit. Construction work After Hours Work Permits may be approved if the need is valid and livability impacts are minimal. A fee for the After Hours Work Permit as established by City County and as amended from time to time by City Council shall be paid upon the issuance of the After Hours Work Permit. The After Hours Work Permit application is available at Canton Community Development Department.

D. Exemptions

1. Emergency work which is required due to natural disasters or substantial accidents (e.g. - water pipe break and causes flooding, electrical short causes substantial damage).
2. Work done inside of buildings.
3. Landscaping, sod work and termite pre-treatment exempted: Landscaping and sod work, including delivery vehicles, and termite pre-treatment for pouring of concrete is exempt from the provisions of this section.

All ordinances or parts of ordinances or regulations in conflict herewith are hereby repealed.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of the ordinance shall become and be made part of the Code of Ordinances, City of Canton, Georgia and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall take affect and be in force on the date of approval appearing below, the public welfare demanding it.

The above ordinance was read and approved by the Mayor and Council this ____ day of _____, 2016.

_____	Attest:_____
Gene Hobgood, Mayor	Susan Stanton, City Clerk

Approved as to form and content:

Robert M. Dyer, City Attorney

First Reading	_____
Adopted by Council	_____
Approved by Mayor	_____
Veto by Mayor	_____
Second Vote by Council	_____
Effective Date	_____

Susan C. Stanton, City Clerk