

**PERMIT APPLICATION
DEVIATION FROM AUTHORIZED
CONSTRUCTION TIMES**

PROJECT NAME _____
BLDG PERMIT # _____
CONSTRUCTION SITE ADDRESS _____
PHONE _____ **DATE** _____

The Town of Gilbert may grant a permit to allow work to be conducted at times other than permitted by Noise Ordinance #1410. Return this application and required information to the Code Compliance Department for review.

1. **Type of work to be performed** _____

2. **Reason for requesting a deviation from the permitted hours? Be specific; see 42-63 part (d) (provided on the back of this application) for a definition on the justification to grant authorization.**

3. **Provide the requested date(s) and times(s)** _____

4. **Provide a site plan (3 ½ X 11) of the proposed construction site containing the following information:**
 - a. **Indicate North**
 - b. **Indicate entrance and exit paths**
 - c. **Indicate distance construction is from any residential housing**
 - d. **Indicate the construction vehicle routes (minimizing back-up emergency alarms on trucks)**
 - e. **If applicable indicate direction construction lights will be facing**
 - f. **If applicable indicate location of generators (whisper quiet required)**

Upon receipt of this form, plus required documents the applicant will be contacted within five business days. As a condition of this permit you must notify **residential housing within 500 feet** of the project site indicating date(s) and hours in writing (letter, door hanger, etc) 48 hours prior to the work being performed. Forward a copy of the completed application and notice to the Michelle.VacaSmith@gilbertaz.gov

NOISE# _____

Sec. 42-63. Construction of building and projects.

(a) *General provisions.* It shall be unlawful for any person to pour concrete or perform construction work in the town, except within the time periods specified herein or if the noise level created thereby is in excess of the applicable community noise standards set forth in [section 42-61](#)(e)(1) and (3) by five dB(a) at either the nearest property line or the affected area of the property unless a permit has been obtained beforehand from the building and code compliance department. As used in this section, "construction work" shall include (1) operating construction-related equipment, (2) performing outside construction work, (3) performing outside repair work on buildings, structures or projects and (4) operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device.

(b) Start/stop times.

(1) *Concrete.* Concrete may be poured and concrete mixing trucks may be idled, between the hours of 5:00 a.m. and 10:00 p.m. each day or at such other times as authorized by permit.

(2) *All other construction; residential zones in or within 500 feet.* All other construction work shall not begin prior to 5:00 a.m. and must stop by 10:00 p.m. each day in or within 500 feet of a residential zone or at such other times as authorized by permit.

(3) *Commercial and industrial zones.* Construction work in commercial and industrial zones not within 500 feet of a residential zone shall not begin prior to 5:00 a.m. and must stop by 10:00 p.m. or it may be conducted at such times as authorized by permit.

(c) *Weekends and holidays excluded.* Notwithstanding the foregoing, construction work shall not begin prior to 7:00 a.m. and must stop by 7:00 p.m. and concrete pouring shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or holiday, unless such other times are authorized by permit.

(d) *Permit.* Construction work may be conducted at different times than otherwise permitted herein if, upon written application, a permit is obtained from the building and code compliance department. In granting such permit, the director of the building and code compliance department shall consider whether construction noise in the vicinity of the proposed work site would be less objectionable at night than during the daytime because of the different population levels or different neighborhood activities; whether obstruction and interference with traffic, particularly on streets of major importance, would be less objectionable at night than during the daytime; whether the kind of work to be performed emits noises at such a low level as to not cause significant disturbance of the reasonable peaceful enjoyment of the surrounding neighbors in the vicinity of the work site; whether the neighborhood of the proposed work site is primarily residential in character wherein sleep would be disturbed; whether great economic hardship would occur if the work were spread over a longer time; whether the work will abate or prevent hazard to life or property; whether the proposed early morning or night work is in the general public interest. The director shall prescribe such conditions, working times, types of construction equipment to be used and permissible noise emissions as the director deems appropriate in the public interest. No permit shall be required to perform emergency work necessary to restore property to a safe condition following a public calamity, work required to

protect the health, safety or welfare of persons or property or work by private or public utilities when restoring utility service.

(e) *Revocation of permits; appeal.* The director may revoke any permit granted hereunder upon complaints based upon substantial evidence that the construction work causes significant disturbance of the reasonable peaceful enjoyment of the surrounding neighbors in the vicinity of the work site. Any person aggrieved by the granting of a permit or the refusal to grant a permit by the town manager or authorized representative may appeal the decision to the town council who shall hear such appeal at the next regularly scheduled meeting of the town council.

(f) *Stop orders.* Whenever any work on a construction project is in violation of the provisions of this section, the director may order the construction project stopped by notice in writing served on any persons responsible for the project, and any such persons shall forthwith stop work on the project until a permit is obtained.

(Ord. No. 1245, § I, 2-15-00; Ord. No. 1363, § I.6., 8-21-01; Ord. No. 1410, § I, 7-23-02)