

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

Adopted October 11, 1996
Amended November 18, 2006

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. Restriction.

Except as specifically provided in Section 2 of this ordinance, no buildings or other structures shall be constructed, reconstructed, enlarged, erected, altered, or repaired, and no excavation, grading, or removal or deposit of earth materials shall occur, within the Borough of Fenwick on Sundays from Memorial Day weekend to Columbus Day weekend and at any time during the period from July 1 to the first business day following Labor Day of each year.

SECTION 2. Exceptions.

The restriction established in Section 1 of this ordinance shall not apply to the making of emergency repairs or reconstruction for the purpose of correcting a public health or safety issue and then only when specifically permitted by either the Building Official or the Warden of the Borough of Fenwick.

SECTION 3. Administration and Enforcement.

The provisions of this ordinance shall be enforced by the Building Official, the Board of Warden and Burgesses, or such other individual as may be designated by the Board of Warden and Burgesses. The Building Official, Board of Warden and Burgesses, or any such other designated individual 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. The official charged with the enforcement of 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. 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. This ordinance shall become effective 30 days after publication of its enactment in accordance with Section 7-157 of the Connecticut General Statutes.