**PUBLIC HEARING NOTICE**

**TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **Monday, July 8, 2019 at 6:30 p.m.** at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding Chapter 22 – Article IIIA - Construction and Landscape. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review and/or purchase at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and on the Town’s web site at www.jamestownri.gov.

**Section 1.** Be it hereby ordained by the Town Council of the Town of Jamestown that the Jamestown Code Of Ordinances, Chapter 22 – Article IIIA - Construction and Landscape, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~strikethrough~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

 See Exhibit A, attached hereto and incorporated herein by reference.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 22 – Article IIIA - Construction and Landscape of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): June 27, 2019

Publication Source: Jamestown Press

Hearing Date: July 8, 2019

Action:

Certified:

Exhibit A

ARTICLE III.A. – CONSTRUCTION, HOME AND LANDSCAPE MAINTENANCE ACTIVITIES

Sec. 22-69. – ~~Construction activities.~~ Activities related to building and landscape construction, home and landscape maintenance.

No person shall operate or permit the operation of any tools, vehicles or equipment involved or related to any construction or demolition work during the following hours: Monday through Thursday ~~Friday~~ between 8:00 p.m. to 7:00 a.m. the following day; Friday between 7 p.m. and 8 a.m. the following day; Saturday from 6:00 p.m. to 7:00 a.m. the following day; and Sunday from 7:00 a.m. to 7:00 a.m. the following day. Such activities are also prohibited from 7:00 a.m. to 7:00 a.m. the following day on all federal and state holidays.

Sec. 22-70. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction means any and all outside activity necessary or incidental to the erection, assembling, altering, installing, repair or equipping of buildings, landscape and landscaping features, roadways, infrastructure, or utilities including drilling, blasting, mining, land clearing, grading, excavating and filling.

Demolition means any dismantling, intentional destruction or removal of structures, infrastructure, earth, trees, shrubs, or hardscape elements in the landscape such as patios or pools utilities, public or private right-of-way surfaces, or similar property.

Home maintenance means the activities required to preserve, repair, or ensure functioning of a residential structure.

Landscape maintenance means the activities required to keep the yard or landscape surrounding a residence in clean and orderly appearance and functioning in service to the home and neighborhood.

Sec. 22-71. - Exemptions.

The provisions of this article shall not apply to:

(1) The operation of snow removal equipment at any time provided that such equipment shall be maintained in good repair so as to minimize noise. Noise discharged from exhausts shall be adequately muffled so as to prevent loud and/or explosive sounds.

(2) ~~Lawn care and grounds maintenance equipment in normal daytime use if used and maintained in accordance with the manufacturer's specifications.~~

(2 ~~3~~) Public emergency activities required to ensure the health, safety and welfare of the citizenry.

(3  ~~4)~~ The normal day to day agricultural activities associated with the raising of livestock and crops.

(4 ~~5~~) Ordinary or routine maintenance and/or repair performed by the owner or resident of a property; which shall include repair or replacement of building features but not the construction of new structures or additions. Renovations that take place within a residence itself shall be exempt from the restrictions of this ordinance.

(5) Ordinary or routine maintenance of lawns, yards, and gardens by the owner or resident of a property but not the construction or demolition of any landscape feature that requires the use of heavy equipment or other mechanical power or power equipment other than a lawnmower, weed whacker or residential (non-commercial) grade leaf blowers.

Sec. 22-72. - Enforcement.

This article shall be implemented, administered and enforced by the town police department.

Sec. 22-73. - Penalties.

Any person found to be in violation of this article shall be punished as follows:

(1) The first offense shall be punished by the issuance of a written warning to cease and desist the violation.

(2) The second offense shall be punished by a fine of $250.00 and a notice to cease and desist the violation.

(3) The third offense and each subsequent offense shall be punished by a fine of $500.00 and a notice to cease and desist the violation.

Sec. 22-74. - ~~Sunset clause.~~

~~The provisions of this article shall expire on December 14, 2010, unless the town council takes affirmative action to extend this article.~~

Secs. 22-74 ~~75~~—22-85. - Reserved.