

Chapter 16.35
CONSTRUCTION HOURS

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16.35.005 Definitions.

For the purposes of this chapter, the following definitions apply:

“Class 0 application” means an application for an expanded work hours permit for work associated with minor construction activities valued under \$15,000.

“Class 1 application” means an application for an expanded work hours permit for work associated with a single-family residence, not part of a larger residential project, as determined by the Director, and not qualifying as a Class 0 application.

“Class 2 application” means an application for an expanded work hours permit that does not meet the definition of a Class 0 or 1 application. (Ord. 2777 § 1, 2016).

“Construction activity” means any activity directly related to an active, permitted project, including but not limited to: constructing, enlarging, altering, repairing, maintaining, moving, or demolishing any structure, sidewalk, driveway, path, accessory structure, landscape feature, mechanical equipment, or vehicle.

16.35.010 Hours of construction.

A. Except as permitted in subsection B of this section, or through a separate franchise agreement with the City, any nonemergency construction activity in conjunction with any approved permits, including but not limited to building permits, utility permits, grading permits or land use certification permits shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, excluding weekdays that are legal holidays, as observed by State law and defined in RCW [1.16.050](#), when no such construction activity shall be permitted. Regular municipal maintenance and operations construction activities not covered by City permit are not subject to the limitations of this chapter.

B. Construction activity may be permitted outside the hourly limits set forth in subsection A of this section (“expanded work hours”) only upon application and approval by the City Development Services Director or by the Director of Public Works Engineering, as determined by the Mayor, or their designees.

The application fee established in the Land Use and Site Work Fee Schedule shall be paid for review and potential issuance of the expanded work hours permit.

C. The Development Services Director shall establish procedures for the review of applications for extended work hours permits. The Development Services Director shall also establish approval criteria for such permits in order to ensure that the extended work hours will not unreasonably disturb persons or property in the vicinity of the work and will be consistent with public health and safety. The Director responsible for reviewing and issuing the permit may approve, deny, or condition the permit based on the approval criteria. Approval may only be for specific dates and times and under terms that the approving official deems appropriate under the circumstances. (Ord. 2777 § 1, 2016; Ord. 1899 § 1, 1991).

16.35.015 Violations.

A. Each violation by any person, corporation, or other business or nonprofit entity in connection with the approved expanded work hours permit, of the construction hourly limit set forth in IMC [16.35.010\(A\)](#) or of limited approval granted under IMC [16.35.010\(B\)](#), shall be subject to the imposition of a monetary penalty by notice and order of the Director as detailed below. In addition, the Director may issue a stop work order for all construction permits as specified below on the lot or parcel on which the violation occurred:

	Class 0 Application	Class 1 Application	Class 2 Application
1st Violation (per permit)	\$500	\$2,000	\$5,000
2nd Violation (per permit)	\$1,000 and Stop Work Order	\$5,000 and Stop Work Order	\$10,000 and Stop Work Order
3rd Violation (per permit)	\$1,000, Stop Work Order and revocation of Expanded Work Hours permit	\$5,000, Stop Work Order and revocation of Expanded Work Hours permit	\$10,000, Stop Work Order and revocation of Expanded Work Hours permit

B. All fines shall be paid or settled through appeal consistent with the procedures in IMC [16.35.025](#) prior to City issuance of certificate of occupancy (temporary or final) or final inspection for the structure for which the expanded work hours permit is issued. (Ord. 2777 § 1, 2016).

16.35.020 Minimum inspection charges after hours.

If any City personnel and/or equipment is required by an approved permit to inspect a project outside the hourly limits set forth in IMC [16.35.010\(A\)](#), then the approved applicant shall be billed by the City for the personnel at a rate of \$100.00 per hour and for a minimum time of 4 hours and the applicable rental rate for any equipment, as determined by the Director’s designee. (Ord. 2777 § 1, 2016; Ord. 1899 § 1, 1991).

16.35.025 Appeals.

The Director's decision to approve, approve with conditions, or deny an expanded work hours permit or to impose penalties for violation may be appealed by any aggrieved party in accordance with the following provisions:

A. Appeals shall be held by the Hearing Examiner;

B. Appeals procedures shall be consistent with IMC [18.04.250](#), Administrative appeals; and

C. Any appeal of the decision of the City with regard to expanded work hours permit must be received by the Permit Center no later than 5:00 p.m. on the fourteenth day following the date of issuance of the decision. (Ord. 2777 § 1, 2016).

D. Penalties for violating any provision of this Chapter shall be a civil infraction and appealable to the Municipal Court.

16.35.030 Exemptions

The following activities shall be exempt from the provisions of this Chapter:

A. Maintaining a required Temporary Erosion and Sediment Control (TESC) plan.

B. Any measures necessary to correct a violation of Issaquah Municipal Code.