

Proposed Ordinance Amendments on Construction & Related Building Activities

Purpose:

--The City's ordinances related to many building and construction activities is in need of updating, especially in the following areas:

- Construction work hours, as it relates to authorization for working during emergency situations
- Limited extended hours for indoor finishing work with specific authorization from the city
- Limiting parking of construction-related vehicles on the street –due to increased traffic and frequency of blocking access
- Parking of construction-related vehicles on the construction site –the city is already requiring a 5-vehicle parking pad, but it needs to be codified
- Additional requirements of the job site, including construction site fencing, document boxes, dumpsters, debris, etc. need to be codified in order to leverage proper enforcement.

--The proposed language was drafted from ordinances of surrounding Villages, as well as from COPPV's "New Construction Builders Packet for 2022".

Chapter 10 –Buildings and Building Regulations

Sec. 10-1. Time limitations on building activities.

- (a) It shall be unlawful for any person to cause, permit or perform any construction, renovation, alteration, repair or demolition of any building or structure, or any excavation related thereto ("building activities"), within the city, except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays. All building activities are strictly prohibited on Sundays, ~~and Holidays.~~ ~~the h~~Holidays shall include of Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day, or on observed holidays on which the city's officers are closed.
- (b) The provisions of subsection (a) shall not apply to any construction, renovation, alteration, repair, demolition or related excavation which is conducted by a governmental entity, or for which a city permit is not required.
- (c) The provisions of subsection (a) shall not apply where the city building official has approved extended hours up to 9:00pm on days on which construction work is permitted for a specific construction site, for the purpose of conducting work only inside a completely enclosed structure, that is not visible or audible from surrounding properties, and any additional rules set by the city building official to minimize disturbance to surrounding residents.
- (d) The provisions of subsection (a) shall not apply where the city administrator has authorized emergency work necessary to prevent a risk of injury to persons or immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster.
- ~~(e)~~ (ee) The city building official is hereby authorized and directed to issue stop work orders as are necessary to assure compliance with the provisions of this section.
- ~~(f)~~ (fd) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in section 1-11.

Sec. 10-2. Parking of vehicles, trailers and mobile equipment at construction site.

- (a) ~~(a)~~—Along the street. It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in the construction, alteration, remodeling or destruction of a

building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, on any public or private street in the city, except in the following circumstances:

- (1) The vehicle, trailer or mobile equipment may only be parked along one side of that portion of any such street that lies immediately adjacent to and fronting upon the site where such ~~construction, alteration, remodeling or destruction activity~~ activity is occurring;
- (2) The vehicle, trailer or mobile equipment may only park. ~~It shall be unlawful to park any such vehicle, trailer or mobile equipment on that portion of a street adjacent to and fronting such construction, alteration, remodeling or destruction site~~ if the width of the paved portion of the street at such location is ~~less-greater~~ greater than 15 feet and the vehicle, trailer or mobile equipment is parked in such a manner as to leave clearance for other vehicles to safely pass; ~~and~~
- (3) The parked vehicle, trailer or mobile equipment is not blocking or impairing access over or across any sidewalk.
- (4) Notwithstanding, it shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in a manner described in this section on the following streets within the city: Memorial Drive, San Felipe Street, South Piney Point Road, Blalock Road, Taylorcrest Road, Piney Point Road, Beinhorn Road, Hedwig Road, Smithdale Road, Claymore Road, and Greenbay Drive.

~~(b) It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment, used in the construction, alteration, remodeling or destruction of a building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, in a manner that blocks or impairs access over or across any sidewalk.~~

- (b) On the construction site. All vehicles, trailers or mobile equipment associated with construction-related activities shall be parked on the construction site, to the extent possible. Vehicles shall occupy space on the on-site parking pad, as required under this Chapter. Overflow parking is allowed on a public or private street, if such parking meets the requirements of this Section and is not otherwise prohibited by law or ordinance.

Sec. 10-3. Damaging city property; liability insurance required.

- (a) It shall be unlawful for any person to damage a city street or sidewalk, or any city storm sewer or other drainageway, during or incident to the construction, alteration, remodeling or destruction of any building or structure within the city. It shall be a defense to prosecution under this section that the person damaging city property shall have provided for the repair or replacement thereof in kind or by payment to the city of the estimated cost therefor.
- (b) If any person violating any provision hereof shall fail to remedy such violation within 12 hours following written notice to do so by the city building official, the official shall be authorized to issue a stop work order for the construction, alteration, remodeling, or destruction to which such violation is applicable.
- (c) All contractors requiring permits under this Chapter shall file with the city, and maintain for the entire period during which work pursuant to such permit is being performed, commercial general liability insurance in an amount of not less than \$500,000.00. If an insurance policy required hereunder expires or is revoked before work for which the permit was issued is complete, the building official shall cancel that permit and issue a stop work order. All such policies of insurance shall be written by a company authorized to do business under the rules of the state board of insurance. Compliance with the above requirement shall be evidenced by the filing of a certificate of insurance with the city secretary. Each certificate shall include an endorsement thereon that the city shall be notified at least ten days prior to the cancellation or expiration of any such certificate.

Sec. 10-4. Building contractor registration.

- (a) No building permit shall be issued to any person not holding a valid building contractor registration, including any state issued license if required, other than the owner or occupant of a residential dwelling for work relating to such residential dwelling or to accessory buildings or structures upon the premises thereof.
- (b) A building contractor registration may be revoked or suspended by the city upon the committing by a registration of any of the following:
 - (1) Fraud or misrepresentation in obtaining registration or permit;
 - (2) Failure to obtain a permit prior to commencement of any work for which a permit is required by ordinance of the city;
 - (3) Violation of any provision of any building, construction, or other applicable code or ordinance of the city governing work for which a building permit has been issued, whether through negligence, malicious or wanton disregard, or other willful conduct, or by reason of incompetence, by a person holding a building contractor registration, or by any person performing work under or pursuant thereto;
 - (4) Defrauding of any person within the city for whom a registered building contractor has rendered or contracted to render a service;
 - (5) Securing a permit for work governed hereby not actually performed or supervised by the registered building contractor, or officer or agent thereof identified in the registration application;
 - (6) Transferring a building contractor registration or building permit to an unauthorized person;
 - (7) Failure to obtain a final inspection upon completion of work for which a permit has been issued;
 - (8) Failure to repair, or make reparations for, damages to public or private properties caused or permitted during or in conjunction with construction activities within the city.
- (c) The suspension or revocation of a builder contractor registration for acts or omissions identified in paragraph (b) above shall be for a period of not less than 90 days nor more than one year for the first occurrence. For any second or subsequent occurrence, the suspension or revocation shall be for a period of not less than one year. Notwithstanding the foregoing, no suspension or revocation shall be imposed by the city until the contractor shall have been given the opportunity for a public hearing before the city council regarding such alleged violation.

Sec. 10-5. Conflicts.

The codes adopted herein, as amended, the fire code adopted in chapter 30 of the City Code, as amended, and the city's zoning regulations shall be cumulative. To the extent there may exist any conflict or inconsistency between the terms of the city's zoning ordinance, as amended, and the codes adopted herein or the fire code adopted in chapter 30 of the City Code, the more restrictive of the two provisions shall prevail and shall be interpreted and enforced according to its own terms. In the event of an irreconcilable conflict with any provision of state law intended to preempt local ordinances, the state law provision shall prevail.

Sec. 10-6. Penalty for violation of chapter.

Any person who shall violate or cause to be violated any provision of this chapter, including a provision of a code adopted by this chapter, or who shall fail to comply with any of the requirements of this chapter or any code adopted by this chapter, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1-11 of the City Code. Each such person shall be deemed guilty of a separate offense for each violation and for each day during which any violation is committed or continued.

Sec. 10-7. Enforcement.

The city council hereby designates the city administrator to authorize enforcement of this chapter, including any code adopted by this chapter, by the city's building official, code official, or any other qualified designee of the city administrator. Any reference in this chapter or a code adopted by this chapter to the building official, plumbing official, or any other code official shall mean the city's building official unless otherwise designated by the city administrator.

Sec. 10-8. Moving permit required.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Building* includes the word "structure."
 - (2) *Moving* means the transportation in any manner of a building from place to place on, along or across any street within the city.
 - (3) *Street* means any part of any public street, alley, right-of-way, or ground of any kind whatsoever.
- (b) *Restricted; moving on bridges, culverts.* It shall be unlawful to move any building on, along or across any street within the corporate limits of the city any part of which is more than 18 feet above the surface of the roadway when loaded, more than 30 feet wide horizontally, more than 40 feet in length, or, when loaded, there is a load in excess of 10,000 pounds on any axle of the carrier; however, buildings or parts of buildings not otherwise prohibited from being moved may be moved on Memorial Drive, Piney Point Road, or San Felipe Road if not in excess of 65 feet in length, provided however, the size limitations set forth above shall not apply to buildings being moved for or on behalf of local governmental entities such as school districts, conservation reclamation districts, counties, or municipalities. No loaded carrier carrying any part of a building shall have more than three axles bearing on any bridge or culvert at any one time.
- (c) *Permit required.* It shall be unlawful to move any building or part of a building on, along or across any street in the city without a permit. The permit shall be posted on the building to be moved on the outside in a conspicuous place easily accessible for inspection. The acceptance by the applicant of the permit shall constitute a binding obligation and contract to perform the things imposed upon the applicant by this division and the agreement specified in this section.
- (d) *Permit applications.* Any person desiring such a permit shall make written application therefor to the city engineer, which shall contain the following:
- (1) The name of the applicant, and his residence and business address. If a partnership or association, the application shall state the names of all partners, their residence addresses and the office address of the partnership or association. If a corporation, the application shall state the names and residence addresses of all officers and directors and the principal office of the corporation.
 - (2) That the applicant thoroughly understands the terms of this division and agrees to abide thereby and perform all things required of an applicant thereby.
 - (3) The application shall be signed by the applicant if an individual, by a partner if a partnership, and by the president if an association or corporation.
 - (4) A photograph of the building proposed to be moved shall be attached to and presented by the applicant with the application.
 - (5) The applicant shall also have made and attach to and present with the application a plat showing the course in and/or through the city that will be taken in moving the building.
 - (6) The application shall also contain the street address or similar specific description of the location of the building proposed to be moved at the time application is made and a similar specific description of the proposed new location.
 - (7) The exact date and time during which the building will be on any street of the city.

- (8) The outside dimensions, including any projections of the building or portion thereof the applicant desires to move, the greatest height above the surface of the roadway, when loaded ready to move, of such building or portion that the applicant desires to move, its weight, the weight of the moving apparatus, together with the number and location of its wheels and axles.
- (9) A statement that the applicant agrees to perform all the things required of the applicant by the terms of this division, and to pay the city any and all damages to streets, pavements, curbs, gutters, water lines, fire hydrants, and all other public property occasioned in any manner by the moving of such building, including, but not excluding anything else thereby, all costs and expense of removing or demolishing as the city council in its discretion may deem best, the building or any part thereof left on any part of a street, and to pay the city if such building be removed to any location within the corporate limits, all costs and expense whatsoever caused by any failure of the applicant to cause such building and every part thereof to conform to the ordinances of the city within a reasonable time after being placed on its new location; and in this connection, such cost and expense shall include, but not exclude anything else thereby, all cost and expense of making such building conform to the ordinances of the city, of removing such building from the city or to another location in the city, and/or of demolishing such building, the course of action to be taken in the event of any such failure being in the discretion of the city council. This statement shall also agree to and each permittee is hereby required, at the permittee's expense, within 72 hours after any building is moved from any premises in the city, to:
 - a. Fill in all holes on the premises caused by the permittee's operations; and
 - b. Remove all debris left on the premises that was not present before the permittee's operations began; and that the city shall have the right to cause the same to be done upon the permittee's failure to do so without in any way waiving any of its rights against the permittee's bond, or to enforce the criminal provisions hereof by so doing; and any such expenses paid by the city shall be recoverable out of the permittee's bond.
- (e) *Bond required.* The applicant for a permit to move a building shall file with the application a surety bond, executed by the applicant and by a good and sufficient corporate surety, or two personal sureties satisfactory to the city secretary, in the sum of \$10,000.00 payable to the city, conditioned that the applicant will comply strictly with the terms of this section, and the agreements required of the applicant in this section and will pay to the city any and all damages, costs and expenses specified in this section and as otherwise required by law or in equity.
- (f) *Authorization by city engineer.* The city engineer shall examine the application and bond, the building to be moved and the moving apparatus and if satisfied that they comply with this division and the other ordinances of the city; that the surety or sureties are good and sufficient; that the route of moving selected is practicable and will cause less damage to property than any other; that no irreparable damage will be done; and that the issuance of a permit will not lead to the violation of any ordinance of the city, then the city engineer shall authorize the issuance of a permit to the applicant to move the building specified in the application on the route designated in the application upon the payment to the city secretary of a permit fee in the amount of which is on file in the city secretary's office. The permit shall be personal to the applicant and shall not be transferable and shall expire at the expiration of 30 days after the date of issuance. The permit shall show:
 - (1) The name and address of the applicant.
 - (2) The location of the building at the time of the application.
 - (3) The proposed new location if within the city.
 - (4) The exact date and time during which the building will occupy the street.
 - (5) The size and type of construction of the building.
 - (6) The receipt of the permit fee.
 - (7) The date of issuance.
 - (8) A plat of the route of moving.

- (g) *Continuous motion required.* During the entire time that any building being moved occupies any street or portion thereof, it shall be kept continuously in motion toward its destination.
- (h) *Inspector to accompany moving.* The city engineer shall designate an inspector to go with the house or portion thereof being moved, whose salary shall be paid by the applicant, who shall deposit in advance for the payment of such salary the sum which is on file in the city secretary's office. At the conclusion of the moving and when all damages, if any, have been paid for, any unused balance shall be returned to the applicant. It shall be the duty of the inspector to remain with the building or portion thereof being moved at all times while it is being moved, and the inspector shall see that the provisions of this division are complied with by the applicant and shall report to the city engineer all damages to public property caused by the moving of the building or portion thereof.
- (i) *Prohibited acts.* It shall be unlawful for any permittee engaged in moving a building:
 - (1) To cut down any tree, shrub, bush or portion thereof without first having obtained written permission from the owner.
 - (2) To disconnect any electric light connection, power connection, gas connection, water connection, sewer connection or telephone connection without the consent of the owner of such connection.
 - (3) To remove, tear down or destroy any pole, railing, fence, wire or other property without the consent of the owner thereof.
 - (4) To begin or complete the moving of any building onto any property in the city unless the permanent location and installation of such building on such property in all respects complies with the ordinances of the city.

Sec. 10-9. Construction site regulations.

Any person who engages in construction activity, or who is in control of a construction site, within the city shall comply with the following requirements:

- (a) *Permit boxes.* All construction permits and any other documents required to be posted at the construction site shall be laminated and displayed in a secure, weatherproofed "DOCBOX" or equivalent form of container. The container shall be placed in a location that is easily visible, identifiable and accessible at all times.
- (b) *Mail Box.* The site shall include a mail box with the property address listed on the mail box.
- (c) *Waste containers.* The site shall be equipped with a commercial solid waste container of adequate size to collect and store any solid waste generated by the construction activity. The container shall be placed in a location that is easily accessible and screened so it is not visible at ground level by adjacent side or rear lots, or from the street. The container must be placed, removed, serviced, and emptied only during authorized work hours as provided in this Chapter.
- (d) *Policing of site.* All construction related material scraps, trash, rubble, debris, food packages, or any other form of waste located on the construction site or on nearby public or private property must be picked up immediately and placed in a waste container or removed from the site.
- (e) *Storage of materials and tools.* All building materials, equipment, and tools that are not in actual use shall be stacked or otherwise secured in an orderly manner to minimize the possibility of trespass onto the property or theft. The contractor in charge of the site shall secure building materials, equipment, and tools prior to predicted high wind or storm events.
- (f) *Policing of adjacent rights-of-way.* All sidewalks and streets and other public rights-of-way adjoining the construction site shall be kept free of dirt and other construction generated debris and shall be swept on a daily basis if necessary.
- (g) *Disposal of garbage.* Garbage, food waste, and similar rapidly biodegradable materials shall be contained in closed, covered containers and the containers shall be emptied no less than twice weekly.

- (h) Construction hazards. All excavations and holes shall be filled or covered as soon as possible. Any construction site hazards shall be marked and barricaded. Newly poured concrete or similar materials shall be properly secured.
- (i) Portable toilets. At least one clean and properly serviced portable toilet shall be provided at each construction site. The portable toilet shall be placed on the site no closer than 35 feet from the front property line or 25 feet from any side or rear property line unless otherwise approved by the building official and shall be screened from public view by a wood enclosure at least as tall as the portable toilet. The door to the portable toilet shall face away from street and neighboring property views. The portable toilet shall be serviced regularly to prevent health hazards and offensive odors.
- (j) Noise. Radios and other sound amplifying equipment shall not be operated on a construction site.
- (k) Temporary drainage. During the construction process the contractor shall maintain proper drainage to assure that no water flows onto adjacent properties.
- (l) Erosion control. The contractor in charge of the site and the owner of the site shall take whatever measures are necessary to prevent soil or other materials from washing off the site. Stormwater runoff shall be controlled so that silt, earth, topsoil, and other materials are not washed onto city streets or into storm drains, drainage easements, ditches or other drainage facilities.
- (m) Construction site fencing. Sites conducting new home construction or construction-related activities constituting more than fifty (50) percent of the value of the property must provide and maintain construction site fencing.
- (1) The construction site fencing must fully enclose the entire site to screen construction from public view; provided, however, that the fencing shall not enclose the public sidewalk or impair vision for traffic from adjoining streets and driveways.
 - (2) The height of the construction fence shall be six feet, and the fence material shall be a chain link metal fence overlaid on the exterior with an opaque vinyl screen in a color approved by the building official, or other equivalent fencing and screening material as approved by the building official. Any damage to the frame, fence or screen shall be promptly repaired.
 - (3) The timeframe for erecting and removing the construction site fence shall be established by the city building official.
 - (4) No fencing shall be required where the construction activity is on the site of an occupied single-family residence.
- (n) Access. An all-weather means of access for the site shall be provided at all times. When a new or replacement driveway is included in the approved plans and is not installed prior to or contemporaneous with other construction work, a temporary means of access for the site must be submitted to and approved by the building official. Temporary means of access must be established in a manner that: (i) does not damage City right-of-way, such as curbs, gutters and sidewalks; and (ii) does not interfere with stormwater drainage.
- (o) Parking Pad. A dedicated space for a minimum of five (5) vehicles to park on the construction site shall be provided at all times. The parking pad must include space for vehicles to readily enter and exit the construction site. If the construction site is adjacent to a street where street parking for construction-related vehicles, trailers or mobile equipment is prohibited, the size and location of the dedicated parking pad must adequately account for additional parking needs.
- (k) Deliveries. Construction materials may be placed in the public right-of-way only during unloading activities during permitted work hours and must be relocated to the construction site within two hours.

Chapter 26 –Environment

Sec. 26-3. Restrictions for certain noise producing activities.

- (a) *Nuisance level noises prohibited generally.* In view of the residential character of the city, any noise that is unreasonably loud, annoying, or disturbing to persons of ordinary sensibilities, at the time and place the noise is being generated, is defined to be a nuisance and is prohibited.
- (b) *The production of nuisance level noises defined as an offense.* Any person who produces or permits the production of nuisance level noise in the city shall be guilty of an offense.
- (c) *Exceptions.* It is recognized that certain noise producing activities are normal and not out of place in a residential area if the activities producing those noises are conducted in a reasonable manner and at a reasonable time. Accordingly, noises emanating from the following activities are not nuisance level noises within the meaning of this ordinance, if the activities are conducted at a reasonable time and in a reasonable manner:
- (1) Construction, grading, repair, remodeling or maintenance activities during hours when such activities are permitted in accordance with this Code;
 - (2) The operation of safety signals, warning devices, emergency pressure relief valves, water wells, and sewer lift stations;
 - (3) Occasional private outdoor gatherings and public events, provided that the volume of any music or mechanical sound amplification equipment is controlled so as to avoid unduly disturbing the occupants of neighboring residential properties;
 - (4) The operation of standard air conditioning, refrigeration systems, swimming pool equipment, or similar mechanical systems customarily found in single-family residential structures, provided that the equipment is kept in reasonable repair and operated in accordance with the manufacturer's recommendations;
 - (5) Repair and maintenance activities of any public entity or utility, provided that reasonable steps are taken to mitigate the effects of excessive noise;
 - (6) The operation of standby electric generators during time periods where normal electric service is unavailable, in compliance with the requirements of section 26-2.
- (d) *Restrictions.* In order to preserve the residential character of the city and to provide hours during which the city's residents can rest free from unnecessary and offensive noise levels, the following activities may be performed only during the allowable hours provided below:
- (1) The use of lawn mowers, edging machines, leaf blowers, chain saws, or any other gasoline, diesel, or electric powered lawn care or landscaping equipment;
 - (2) The use of power washers, air compressors, or any other gasoline, diesel, or electric powered equipment for home maintenance purposes.
- (e) *Allowable hours.* The work hours during which the activities listed in (a) above are allowed are:
- (1) Between 7:00 a.m. and 7:00 p.m. on weekdays;
 - (2) Between 8:00 a.m. and 6:00 p.m. on Saturdays;
 - (3) No work is permitted on Sundays or on holidays on which the city's offices are closed.
- (f) *Exceptions.* The following exceptions apply:
- (1) The restrictions on allowable hours do not apply when the activities are performed by the owner or occupant of the residence where the activities are being performed;
 - (2) The restrictions on allowable hours do not apply in the case of an emergency where the city administrator has authorized work use of powered equipment is necessary to prevent a risk of injury to persons, ~~or~~ immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster;

(3) On days on which construction work hours are permitted, indoor work may continue until 9:00 p.m. provided that the city building official has authorized extended hours for the specific construction site, the work is conducted only inside a completely enclosed structure, the work is not visible or audible from surrounding properties, and the permittee abides by any additional rules set by the city building official to minimize disturbance to surrounding residents.

(43) The restrictions on allowable hours do not apply to construction activities governed by chapter 10 of this Code.

Chapter 56 –Right-of-Way Management

Sec. 56-3. Construction standards.

- (a) *Advance notice required.* The city administrator shall be notified 24 hours in advance that construction is ready to proceed by either the right-of-way user, their contractor or representative, including the name, address, and phone numbers of the contractor performing the actual construction, and the name and telephone number of the individual who will be available at all times during construction. Failure to provide the above information will result in the suspension of the permit until the required information is received.
- (b) *Conformance to other laws.* All construction shall be in conformance with all city codes and applicable local, state, and federal laws.
- (c) *Erosion control.* Erosion control measures (*i.e.*, silt fence) and advance warning signs, markers, cones, and barricades must be in place before work begins. Permit holder may be required to show proof of EPA approved plans relating to storm water and erosion when applicable or a letter stating such plans are not required. User shall comply with city, state, and federal guidelines regulating storm water management erosion control. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire backed silt fencing, or straw bales, as appropriate.
- (d) *Lane closures.* Lane closures on collectors and thoroughfares, as identified by the city's thoroughfare plan, is limited to after 8:30 a.m. and before 4:00 p.m. unless the city administrator grants prior approval. Arrow boards will be required on lane closures, with all barricades, advanced warning signs and 36-inch reflector cones placed according to the specifications of the city administrator.
- (e) *Workmanship.* Users are responsible for the workmanship and any damages caused by a contractor or subcontractor. A responsible representative of the permit holder will be available to city administrator at all times during construction.
- (f) *Notice of damage.* All users shall notify the city administrator immediately of any damage to other utilities, either city or privately owned.
- (g) *Prior approval required for street or sidewalk cut.* Except in the event of an emergency, prior approval must be obtained from the city administrator when a street or sidewalk cut is required and all requirements of the city shall be followed. Repair of all street and sidewalk removals shall be made promptly to avoid safety hazards to vehicle and pedestrian traffic.
- (h) *Interference prohibited.* Newly installed structures shall not interfere with facilities or structures of other users, in particular gravity dependent facilities.
- (i) *Depth.* Structures shall be installed at a minimum of two feet depth, unless approved by the city administrator or as otherwise provided by this Chapter.
- (j) *Working hours.* Except in the event of an emergency, working hours in the rights-of-way are 7:00 a.m. to 7:00 p.m., Monday through Friday and from 8:00 a.m. to 6:00 p.m. Saturday. Except in the event of an emergency situation authorized by the city administrator, any work performed on Sunday is prohibited. Directional boring is permitted only Monday through Friday.

Current Village Ordinances on Construction Site Fencing

Current Ordinance --Hedwig Village

(Sec. 14-220. Construction site fencing.)

Each permittee for which a building permit has been issued, must provide construction fencing in accordance with this section during all times when the building permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view. It may enclose the sidewalk area, but only to the extent reasonably necessary to reduce the risk of hazards to sidewalk users. The height of the construction fence shall be between six feet and eight feet, and the fence material shall be a chain link metal fence overlaid on the exterior with an opaque vinyl screen in a color approved by the building official, or other equivalent fencing and screening material as approved by the building official. No separate fence permit is required for such a temporary fence erected in connection with construction activity for which a building permit is in effect.

Current Ordinance --Hunters Creek

(Sec. 4-6. Construction fencing.)

Each permittee for any pre-development activity or major development must provide and maintain construction fencing in accordance with this section during all times when the permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view. It may enclose the sidewalk area, but only to the extent reasonably necessary to reduce the risk of hazards to sidewalk users. The construction fencing must be at least five and one-half (5.5) feet high and must be the color green. No separate fence permit is required for such a temporary fence erected in connection with pre-development activity or a major development for which a main building permit is in effect.

Current Ordinance --Spring Valley

(§ 3.2501 Construction Fencing Required)

Each person conducting permitted construction activity which constitutes more than fifty (50) percent of the value of the property must provide and maintain construction fencing in accordance with this section during all times when the permit is in effect and for so long thereafter as the site is affected by construction activity. The construction fencing must fully enclose the entire site to screen construction activity from public view; provided, however, that the fencing shall not impair vision for traffic from adjoining streets and driveways. It shall not enclose the sidewalk area. The construction fencing must be chain link and at least five and one-half (5.5) feet high and must be covered in a material to screen the construction activities from public view. No separate fence permit is required for such a temporary fence.

Current Ordinance --Hunters Creek

(Sec. 10-3(n). Construction site regulations.)

Security. The construction site shall be secured by fencing the perimeter of all areas where construction activity is to occur. The fencing must be maintained in place until all exterior construction activity, other than landscaping, is complete, the structure has been secured against entry, and all on-site materials have been installed or secured within the structure. The fence must be at least six feet in height and constructed of chain-link, wood, or other sturdy materials. No fencing shall be required where the construction activity is on the site of an occupied single-family residence.

Current Village Ordinances on Construction Related Activities

Note: Most municipalities have similar versions to this one...

Current Ordinance –Hunters Creek

Sec. 10-9. Construction site regulations.

Any person who engages in construction activity, or who is in control of a construction site, within the city shall comply with the following requirements:

- (a) *Permit boxes.* All construction permits and any other documents required to be posted at the construction site shall be displayed in a secure, weatherproofed "DOCBOX" or equivalent form of container. The container shall be placed in a location that is easily identifiable and accessible at all times.
- (b) *Waste containers.* The site shall be equipped with a commercial solid waste container of adequate size to collect and store any solid waste generated by the construction activity. The container shall be placed in a location that is easily accessible and screened so it is not visible at ground level by adjacent side or rear lots, or from the street. The container must be placed, removed, serviced, and emptied only during authorized work hours as provided in this Chapter.
- (c) *Policing of site.* All construction related material scraps, trash, rubble, debris, food packages, or any other form of waste located on the construction site or on nearby public or private property must be picked up immediately and placed in a waste container or removed from the site.
- (d) *Storage of materials and tools.* All building materials, equipment, and tools that are not in actual use shall be stacked or otherwise secured in an orderly manner to minimize the possibility of trespass onto the property or theft. The contractor in charge of the site shall secure building materials, equipment, and tools prior to predicted high wind or storm events.
- (e) *Policing of adjacent rights-of-way.* All sidewalks and streets and other public rights-of-way adjoining the construction site shall be kept free of dirt and other construction generated debris and shall be swept on a daily basis if necessary.
- (f) *Disposal of garbage.* Garbage, food waste, and similar rapidly biodegradable materials shall be contained in closed, covered containers and the containers shall be emptied no less than twice weekly.
- (g) *Construction hazards.* All excavations and holes shall be filled or covered as soon as possible. Any construction site hazards shall be marked and barricaded. Newly poured concrete or similar materials shall be properly secured.
- (h) *Portable toilets.* At least one clean and properly serviced portable toilet shall be provided at each construction site. The portable toilet shall be placed on the site no closer than 35 feet from the front property line or 25 feet from any side or rear property line unless otherwise approved by the building official and shall be screened from public view by a wood enclosure at least as tall as the portable toilet. The door to the portable toilet shall face away from street and neighboring property views. The portable toilet shall be serviced regularly to prevent health hazards and offensive odors.
- (i) *Noise.* Radios and other sound amplifying equipment shall not be operated on a construction site.
- (j) *Deliveries.* Construction materials may be placed in the public right-of-way only during unloading activities during work hours as provided in subsection (o) and must be relocated to the construction site within two hours.
- (k) *Access.* An all-weather means of access for the site shall be provided at all times. When a new or replacement driveway is included in the approved plans and is not installed prior to or contemporaneous with other construction work, a temporary means of access for the site must be submitted to the building official and approved. Temporary means of access must be established in a manner that: (i) does not damage City right-of-way, such as curbs, gutters and sidewalks; and (ii) does not interfere with stormwater drainage.
- (l) *Erosion control.* The contractor in charge of the site and the owner of the site shall take whatever measures are necessary to prevent soil or other materials from washing off the site. Stormwater runoff shall be controlled so that silt, earth, topsoil, and other materials are not washed onto city streets or into storm drains, drainage easements, ditches or other drainage facilities.

- (m) *Security.* The construction site shall be secured by fencing the perimeter of all areas where construction activity is to occur. The fencing must be maintained in place until all exterior construction activity, other than landscaping, is complete, the structure has been secured against entry, and all on-site materials have been installed or secured within the structure. The fence must be at least six feet in height and constructed of chain-link, wood, or other sturdy materials. No fencing shall be required where the construction activity is on the site of an occupied single-family residence.

Additional Village Ordinances on Construction Related Activities

Current Ordinance –Bunker Hill

Sec. 4-12. Construction related parking.

For any address for which an active building or maintenance permit has been issued, all vehicles shall be required to be parked on the lot for which the permit has been issued. For private streets, parking may not be in the access easement.

Vehicles parked temporarily for a period of thirty (30) minutes or less are not required to meet this requirement. Blocking of a street so that less than fifteen (15) feet of width for access is not allowed under any circumstance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 10, ARTICLE I. OF THE CODE OF ORDINANCES REGARDING EMERGENCY CONSTRUCTION WORK HOURS, PERMISSIVE EXTENDED CONSTRUCTION WORK HOURS, CONSTRUCTION-RELATED PARKING, AND CONSTRUCTION SITE REGULATIONS; AMENDING CHAPTER 26, ARTICLE I OF THE CODE OF ORDINANCES REGARDING RESTRICTIONS FOR CERTAIN NOISE-PRODUCING ACTIVITIES; AND AMENDING CHAPTER 56, ARTICLE I. OF THE CODE OF ORDINANCES REGARDING CONSTRUCTION ACTIVITIES IN THE CITY RIGHT-OF-WAY.

* * * * *

WHEREAS, the regulations established in the Code of Ordinances have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, such regulations have been designed to ensure permitted construction activities conform to high industry standards while promoting balance and consideration for the safety and quiet enjoyment of surrounding property owners.

WHEREAS, pursuant to Section 2-63 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has requested the Planning and Zoning Commission of the City of Piney Point Village, Texas hold a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances regarding construction and related building activities; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas held a public hearing and submitted its written recommendation to the City Council of the City of Piney Point Village, Texas concerning proposed amendments to Chapter 10, Article I., Chapter 26, Section 26-3, and Chapter 56 Section 56-3, relating to construction and related building activities; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas has held a public hearing to considered the recommendations of the Planning and Zoning Commission, concerning the proposed amendments to Chapter 10, Article I., Chapter 26, Section 26-3, and Chapter 56 Section 56-3, relating to construction and related building activities; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has concluded that amendments should be made to Chapter 10, Article I., Chapter 26, Section 26-3, and Chapter 56 Section 56-3, relating to construction and related building activities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS, THAT:

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 10, Article I., Sections 10-1 -Time Limitations on Building Activities, and 10-2 -Parking of Vehicles, Trailers and Mobile Equipment at Construction Site of the Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read as set out in Appendix A, attached hereto.

Section 3. Chapter 10, Article I. of the Piney Point Village Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended by adding **Section 10-9 -Construction Site Regulations** to read as set out in Appendix A, attached hereto.

Section 4. Chapter 26, Article I., Section 26-3 -Restrictions For Certain Noise Producing Activities of the Piney Point Village Code of Ordinances of the City of Piney Point Village, Texas, is hereby amended to read as set out in Appendix A, attached hereto.

Section 5. Chapter 56, Article I., Section 56-3 -Construction Standards of the Piney Point Village Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set out in Appendix A, attached hereto.

Section 6. All other portions of the Piney Point Village Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 7. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 8. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED, AND RESOLVED this _____ day of _____, 2024.

Aliza Dutt
Mayor

Attest:

Robert Pennington
City Administrator / City Secretary

ATTACHMENT A

Chapter 10

Article I.

Section 10-1 -Time Limitations on Building Activities

Sec. 10-1. Time limitations on building activities.

- (a) It shall be unlawful for any person to cause, permit or perform any construction, renovation, alteration, repair or demolition of any building or structure, or any excavation related thereto ("building activities"), within the city, except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays. All building activities are strictly prohibited on Sundays, ~~and Holidays-the h~~Holidays ~~shall include~~of Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Years Day-, or on observed holidays on which the city's officers are closed.
- (b) The provisions of subsection (a) shall not apply to any construction, renovation, alteration, repair, demolition or related excavation which is conducted by a governmental entity, or for which a city permit is not required.
- (c) The provisions of subsection (a) shall not apply where the city building official has approved extended hours up to 9:00pm on days on which construction work is permitted for a specific construction site, for the purpose of conducting work only inside a completely enclosed structure, that is not visible or audible from surrounding properties, and any additional rules set by the city building official to minimize disturbance to surrounding residents.
- (d) The provisions of subsection (a) shall not apply where the city administrator has authorized emergency work necessary to prevent a risk of injury to persons or immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster.
- ~~(e)~~ The city building official is hereby authorized and directed to issue stop work orders as are necessary to assure compliance with the provisions of this section.
- ~~(f)~~ Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in section 1-11.

Chapter 10

Article I.

Section 10-2 -Parking of Vehicles, Trailers and Mobile Equipment at Construction Site

Sec. 10-2. Parking of vehicles, trailers and mobile equipment at construction site.

- (b) ~~(a)~~—Along the street. It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in the construction, alteration, remodeling or destruction of a building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, on any public or private street in the city, except in the following circumstances:

(5) The vehicle, trailer or mobile equipment may only be parked along one side of that portion of any such street that lies immediately adjacent to and fronting upon the site where such construction, alteration, remodeling or destruction activity activity is occurring;

(6) The vehicle, trailer or mobile equipment may only park. It shall be unlawful to park any such vehicle, trailer or mobile equipment on that portion of a street adjacent to and fronting such construction, alteration, remodeling or destruction site if the width of the paved portion of the street at such location is less-greater than 15 feet and the vehicle, trailer or mobile equipment is parked in such a manner as to leave clearance for other vehicles to safely pass;- and

(7) The parked vehicle, trailer or mobile equipment is not blocking or impairing access over or across any sidewalk.

(8) Notwithstanding, it shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment used in a manner described in this section on the following streets within the city: Memorial Drive, San Felipe Street, South Piney Point Road, Blalock Road, Taylorcrest Road, Piney Point Road, Beinhorn Road, Hedwig Road, Smithdale Road, and Greenbay Drive.

~~(b) It shall be unlawful for any person to park or permit or cause to be parked any vehicle, trailer or mobile equipment, used in the construction, alteration, remodeling or destruction of a building or structure, or used to transport persons relating to any such construction, alteration, remodeling or destruction of a building or structure, in a manner that blocks or impairs access over or across any sidewalk.~~

(b) On the construction site. All vehicles, trailers or mobile equipment associated with construction-related activities shall be parked on the construction site, to the extent possible. Vehicles shall occupy space on the on-site parking pad, as required under this Chapter. Overflow parking is allowed on a public or private street, if such parking meets the requirements of this Section and is not otherwise prohibited by law or ordinance.

Chapter 10

Article I.

Section 10-9 -Construction Site Regulations

Sec. 10-9. Construction site regulations.

Any person who engages in construction activity, or who is in control of a construction site, within the city shall comply with the following requirements:

(a) Permit boxes. All construction permits and any other documents required to be posted at the construction site shall be laminated and displayed in a secure, weatherproofed "DOCBOX" or equivalent form of container. The container shall be placed in a location that is easily visible, identifiable and accessible at all times.

(b) Mail Box. The site shall include a mail box with the property address listed on the mail box.

(c) Waste containers. The site shall be equipped with a commercial solid waste container of adequate size to collect and store any solid waste generated by the construction activity. The container shall be placed in a location that is easily accessible and screened so it is not visible at ground level by adjacent side or rear lots, or from the street. The container must be placed, removed, serviced, and emptied only during authorized work hours as provided in this Chapter.

(d) Policing of site. All construction related material scraps, trash, rubble, debris, food packages, or any other form of waste located on the construction site or on nearby public or private property must be picked up immediately and placed in a waste container or removed from the site.

(e) Storage of materials and tools. All building materials, equipment, and tools that are not in actual use shall be stacked or otherwise secured in an orderly manner to minimize the possibility of trespass onto

the property or theft. The contractor in charge of the site shall secure building materials, equipment, and tools prior to predicted high wind or storm events.

- (f) Policing of adjacent rights-of-way. All sidewalks and streets and other public rights-of-way adjoining the construction site shall be kept free of dirt and other construction generated debris and shall be swept on a daily basis if necessary.
- (g) Disposal of garbage. Garbage, food waste, and similar rapidly biodegradable materials shall be contained in closed, covered containers and the containers shall be emptied no less than twice weekly.
- (h) Construction hazards. All excavations and holes shall be filled or covered as soon as possible. Any construction site hazards shall be marked and barricaded. Newly poured concrete or similar materials shall be properly secured.
- (i) Portable toilets. At least one clean and properly serviced portable toilet shall be provided at each construction site. The portable toilet shall be placed on the site no closer than 35 feet from the front property line or 25 feet from any side or rear property line unless otherwise approved by the building official and shall be screened from public view by a wood enclosure at least as tall as the portable toilet. The door to the portable toilet shall face away from street and neighboring property views. The portable toilet shall be serviced regularly to prevent health hazards and offensive odors.
- (j) Noise. Radios and other sound amplifying equipment shall not be operated on a construction site.
- (k) Temporary drainage. During the construction process the contractor shall maintain proper drainage to assure that no water flows onto adjacent properties.
- (l) Erosion control. The contractor in charge of the site and the owner of the site shall take whatever measures are necessary to prevent soil or other materials from washing off the site. Stormwater runoff shall be controlled so that silt, earth, topsoil, and other materials are not washed onto city streets or into storm drains, drainage easements, ditches or other drainage facilities.
- (m) Construction site fencing. Sites conducting new home construction or construction-related activities constituting more than fifty (50) percent of the value of the property must provide and maintain construction site fencing.

 - (1) The construction site fencing must fully enclose the entire site to screen construction from public view; provided, however, that the fencing shall not enclose the public sidewalk or impair vision for traffic from adjoining streets and driveways.
 - (2) The height of the construction fence shall be six feet, and the fence material shall be a chain link metal fence overlaid on the exterior with an opaque vinyl screen in a color approved by the building official, or other equivalent fencing and screening material as approved by the building official. Any damage to the frame, fence or screen shall be promptly repaired.
 - (3) The timeframe for erecting and removing the construction site fence shall be established by the city building official.
 - (4) No fencing shall be required where the construction activity is on the site of an occupied single-family residence.
- (n) Access. An all-weather means of access for the site shall be provided at all times. When a new or replacement driveway is included in the approved plans and is not installed prior to or contemporaneous with other construction work, a temporary means of access for the site must be submitted to and approved by the building official. Temporary means of access must be established in a manner that: (i) does not damage City right-of-way, such as curbs, gutters and sidewalks; and (ii) does not interfere with stormwater drainage.
- (o) Parking Pad. A dedicated space for a minimum of five (5) vehicles to park on the construction site shall be provided at all times. The parking pad must include space for vehicles to readily enter and exit the construction site. If the construction site is adjacent to a street where street parking for construction-related vehicles, trailers or mobile equipment is prohibited, the size and location of the dedicated parking pad must adequately account for additional parking needs.

(k) Deliveries. Construction materials may be placed in the public right-of-way only during unloading activities during permitted work hours and must be relocated to the construction site within two hours.

Chapter 26

Article I.

Section 26-3 –Restrictions for certain noise producing activities.

Sec. 26-3. Restrictions for certain noise producing activities.

- (f) *Exceptions.* The following exceptions apply:
- (1) The restrictions on allowable hours do not apply when the activities are performed by the owner of occupant of the residence where the activities are being performed;
 - (2) The restrictions on allowable hours do not apply in the case of an emergency where the city administrator has authorized work use of powered equipment is necessary to prevent a risk of injury to persons, ~~or~~ immediate damage to property, or to provide for the immediate cleanup and repairs of property after a declared natural disaster;
 - (3) On days on which construction work hours are permitted, indoor work may continue until 9:00 p.m. provided that the city building official has authorized extended hours for the specific construction site, the work is conducted only inside a completely enclosed structure, the work is not visible or audible from surrounding properties, and the permittee abides by any additional rules set by the city building official to minimize disturbance to surrounding residents.
 - ~~(4)~~ The restrictions on allowable hours do not apply to construction activities governed by chapter 10 of this Code.

Chapter 56

Article I.

Section 56-3 –Construction standards.

Sec. 56-3. Construction standards.

- (j) *Working hours.* Except in the event of an emergency, working hours in the rights-of-way are 7:00 a.m. to 7:00 p.m., Monday through Friday and from 8:00 a.m. to 6:00 p.m. Saturday. Except in the event of an emergency situation authorized by the city administrator, any work performed on Sunday is prohibited. Directional boring is permitted only Monday through Friday.