

ORDINANCE 2018-19

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER THREE HUNDRED FIFTY, SECTION FIVE, CONSTRUCTION MAINTENANCE

350-5. Construction Site Maintenance Standards

The following construction site maintenance standards shall be the responsibility of the property owner and/or contractor who shall maintain the entire site in a safe and orderly condition during construction.

- A. The following construction site maintenance standards shall apply to any size property where any construction activities are undertaken. These standards shall include, but are not limited to, the following:
- (1) Open excavation shall be enclosed by fencing or barricades during non-construction hours
 - (2) Excavation of previously installed sidewalk and pavement areas shall be clearly marked with signs and barricades. All appropriate permits and Borough approvals for the excavation of previously installed sidewalk and pavement areas shall be obtained. Alternate safe access shall be provided for pedestrians and vehicles. Any excavated sidewalk or pavement areas which will not be repaired within forty-eight (48) hours shall be covered in a fashion to permit safe pedestrian and/or vehicular traffic with concrete, asphalt type material or other non-slip approved material by Code Enforcement Office.
 - (3) All Construction sites shall have a silt fence installed to manufacture specification and maintained during the durations of the construction.
 - (4) Construction equipment, construction trailers, materials and trucks shall not be stored within ten (10') feet of occupied buildings and adjoining streets, sidewalks and/or properties during non-construction hours.
 - (5) Portable bathroom facilities shall not be placed within ten (10') feet of adjoining occupied buildings and adjoining streets, sidewalks and/or properties.
 - (6) Construction activities which will result in damage to trees and landscaping on occupied lots and/or adjoining properties shall not be permitted. Trees and environmentally sensitive areas shall be protected, at a minimum, by the use of orange construction fencing at the drip line of all trees.
 - (7) Unsightly construction debris, including scrap materials, cartons, boxes and wrappings must be removed daily at the end of each working day or placed in dumpster. Dumpsters shall be covered when the construction site is not active.
 - (8) All locations and activities in the project which present potential hazards shall be marked with signs indicating the potential hazard.
 - (9) All dumpsters shall meet Chapter 348 and if possible avoid storing on public streets. All dumpsters shall be loaded so that no items are protruding out of the top or hang over the sides. Dumpsters shall be covered when the construction site is not active.
 - (10) Proper measures shall be taken to prevent the tracking of mud onto public streets or roads or property of third persons. Such measures shall include but are not limited to covering muddy areas on site with clean, dry sand and/or gravel. All ingress/egress points to the site shall be

maintained in a dry condition, and any mud tracked onto public streets or roads, or other areas of the building, or property of third party shall be immediately removed and the affected area cleaned.

- (11) Temporary driveways and/or access points to the site which abut a public street must, at a minimum be constructed of gravel to a point at least fifteen (15') feet back from the public street. The sidewalk and apron part of the driveway shall meet the requirement of number 2 above. The gravel shall be maintained so that it is not dispersed on to any public street and/or sidewalk. Temporary driveways and/or access points to the site shall be where a proposed road to the project and/or driveway to a lot will be constructed, if possible. Further, once heavy equipment is removed from the site which could harm a base coat, the asphalt base coat shall be installed in place of the gravel.
- (12) Certificate of Occupancy shall not be issued until all machinery, materials, implements, barricades, staging, debris, and rubbish connected with or caused by the work are removed.
- (13) Within ten (10) calendar days after the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy all contractor and/or developer signs, for sale and/or for rent signs shall be removed, unless the property receiving such Certificate is part of a project and said property is not the last property in the project receiving such Certificate.
- (14) When a structure is demolished and the construction of a new structure does not commence within 1 months grass shall be planted and maintained to prevent soil erosion.

B. Waivers.

When any of the requirements are not practicable, a waiver may be applied for. Requests for waivers shall be made in writing to the Code Enforcement Office. Said requests shall specifically state which sections of these regulations a waiver is requested, why the waiver is needed and what alternate steps will be taken to avoid the outcome which the regulation is intended to prevent. The Code Enforcement Office may only grant the waiver if they find that the strict enforcement of the regulation presents a unique hardship to the individual requesting the waiver or to the general public and that the proposed alternate steps, or the alternate steps required by the Code Enforcement Office will adequately address the outcome which the regulation is intended to prevent and will adequately protect the health, safety and welfare of the occupants of the property and/or the project and the general public. The Code Enforcement Office is not authorized to grant a waiver of any specific requirement of a Planning Board or Zoning Board of Adjustment approval which relate to construction site maintenance.

- C. Should the property owner and/or contractor fail to maintain the project in a safe and orderly condition, the Borough may, on two (2) days' written notice, or immediately in the case of hazard to life, health, or property, undertake whatever work may be necessary to return the project to a safe and orderly condition. The cost thereof shall be charged against the performance guaranty, or if none has been posted, or if the guarantee is insufficient to cover the costs, the costs shall constitute a lien against the property.

D. Enforcement – Violations – Penalties.

- (1) Enforcement. The provisions of this section shall be enforced by the Department of Code Enforcement.
- (2) Violations and Penalties. Every person violating the provisions of this section shall upon conviction thereof, be subject to a fine of two hundred fifty (\$250.00) dollars plus costs. The property owner and/or contractor shall have ten (10) calendar days, from the date of issuance of a violation, to remedy the violation, if the violation is remedied in this time frame the property owner and/or contractor shall only be subject to a fine of two hundred fifty (\$250.00) dollars plus costs. If the violation is not remedied in this time frame the property owner and/or

contractor shall be subject to a fine of two hundred fifty (\$250.00) dollars plus costs, plus an additional fine of fifty (\$50.00) dollars per day, calculated from the date of the violation, and continuing until the violation is remedied.

§This ordinance shall take effect on its final passage and publication according as provided by law.

KELLY BARRETT
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced: 6-12-18
Final Hearing & Adoption