

Common Code Enforcement violations* on Construction Sites

§ 6.02.001 Stagnant water.

(a)

It shall be unlawful for any person who shall own or occupy any lot in the Town to permit or allow holes or places on such lot where water may accumulate and become stagnant, or to permit same to remain thereon.

(b)

It shall be unlawful for any person who shall own or occupy any lot in the Town to permit or allow the accumulation of stagnant water thereon, or to permit the same to remain thereon.

(1971 Code, sec. 10-18)

§ 6.02.002 Accumulations of downed timber, rubbish, etc..

It shall be unlawful for any person who shall own or occupy any house, building, establishment, lot or yard in the Town to permit or allow any downed timber or brush, tin cans, old clothes, sacks, or any trash or rubbish, carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

(1971 Code, sec. 10-19)

§ 6.02.003 Accumulations of weeds or other objectionable matter.

It shall be unlawful for any person who shall own or occupy any lot in the Town to allow weeds, brush or any other unsightly, objectionable or insanitary matter to accumulate or grow on such lot.

(1971 Code, sec. 10-20)

§ 8.01.002 Damaging trees or other plants.

It shall be unlawful for any person to cut, injure, mutilate, break or destroy any shrub, plant or tree in the Town, in or upon any property not belonging to such person, without the permission of the owner thereof.

(1971 Code, sec. 10-4)

§ 8.01.004 Unnecessary noise.

(a)

The making, causing, or permitting to be made of any unnecessary noise within the corporate limits of the Town, and in any section thereof, in such a manner as to disturb the peace and comfort of the people in that vicinity, by the honking

of a horn, ringing of a bell, sounding of a gong, blowing of a whistle, operation of a radio receiving set, or racing of a gasoline engine, or by any means of any instrument, machinery, or device, or in connection with the operation or repair of an automobile, motorcycle, or other vehicle, is hereby declared to be a nuisance and to be unlawful.

(b)

The provisions of subsection **(a)** of this section shall not be construed as to prevent the giving of any kind of sound as a warning of danger, if the giving of same is necessary or required by law.

(1971 Code, sec. 10-10)

§ 8.01.005 Offensive noises or odors; construction activities prohibited during certain hours and days.

(a)

A person commits an offense if he creates any noise or odor which is unreasonably offensive to persons of ordinary sensibilities who occupy surrounding property. The owner or person in control of property where unreasonable noise or odor is generated commits an offense if he fails to cause such unreasonable noise or odor to be abated.

(b)

Loading, unloading and handling of construction materials, and the use of any tools or equipment used in construction, drilling, or demolition work shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, except by special permission given by the Building Department. The same construction activities shall be prohibited to occur on the holidays of: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day. The owner or person in control of such property commits the offense if he fails to prohibit such construction during the prohibited hours or days.

(c)

Emergency work done in case of storms, sewer stoppages, water main breaks, municipal and utility construction, as well as security requirements, are exempted from all of the restrictions.

(1971 Code, sec. 5-23.1; Ordinance 1904 adopted 1/14/13; 1971 Code, sec. 5-23.1)

§ 8.01.010 Mixing or dropping concrete or mortar on pavement.

It shall be unlawful for any person to mix concrete or mortar or any mixture or substance containing cement on any existing pavement on public property or to leave or cause to be left any excess concrete or mortar or any mixture or substance containing cement on any existing pavement on public property, or to allow same to leak or fall from any container or receptacle onto pavement on public property. If any concrete, mortar or any mixture or substance containing cement is accidentally dropped or placed upon any pavement on public property within the Town, the person responsible shall immediately remove same before such substance hardens or sets on such pavement.

(1971 Code, sec. 14-7)

§ 8.01.012 Unlawful to obstruct or encumber public property with inanimate things or materials.

In addition to the unlawful conduct cited in section **8.01.006** above, and where such obstruction or encumbrance is not first permitted by the Town, it shall be unlawful for any person to obstruct or encumber any street, alley, sidewalk, park or public right-of-way of the Town with inanimate things or materials whatsoever including, but not limited to, landscape material and/or construction material such as fences, gates, trash dumpsters, sand, gravel, dirt, cement, stones, appliances, wires, boxes, or rubbish.

§ 12.07.004 Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(1971 Code, sec. 15-140)

§ 12.07.226 Construction parking management plan.

(a)

As a condition of issuance of a building permit for a construction site, the General Contractor must submit a Parking Management Plan to the Building Official for review and approval. The plan must detail the planned location for contractor and vendor parking at and around the construction site. The plan must comply with the Town's Construction Management Policy and be designed to minimize the use of public streets for contractor and vendor parking. The plan must be designed to minimize the impact on the surrounding neighborhood. To the extent reasonably possible construction site parking

should utilize the construction site rather than public streets. In the alternative off-site parking arrangements are encouraged.

(b)

Upon approval of the Parking Management Plan for a construction site, compliance with the plan shall become a condition of the building permit for said construction site. In the event an application is made to extend the building permit completion date, the Town may unilaterally amend the Parking Management Plan.

(Ordinance 2098 adopted 2/1/22)

§ 12.07.227 Duty of General Contractor.

(a)

A General Contractor shall not permit the stopping, standing, or parking of a vehicle on a public street in violation of the approved Parking Management Plan in effect or as amended.

(b)

In the prosecution for an offense under this section, it is presumed that the general contractor is the person who permitted the stopping, standing, or parking of the vehicle at the time and place the offense occurred.

(Ordinance 2098 adopted 2/1/22)

§ 12.07.228 Exception.

The restrictions on construction site parking in this division do not apply to a vehicle that is parked for not more than thirty (30) minutes on a residential street for the delivery, loading or unloading of materials or equipment.

(Ordinance 2098 adopted 2/1/22)

§ 12.07.229 Penalty and enforcement.

(a)

Violations of this section are punishable by a fine of up to \$500.00.

(b)

Each day of occurrence shall be considered a separate offense.

(c)

In addition to the above, violations of this section can result in the suspension or revocation of the building permit for the construction site as provided for in article **3.08**.

(Ordinance 2098 adopted 2/1/22)

§ 3.16.003 Erosion nuisance; defined.

An erosion nuisance is a situation in which erosion of, or sediment from, one owner's property causes damage to a public property and/or a public right-of-way. Such a situation includes, but is not limited to, dirt, silt, sand, mud, rocks, or similar debris originating from an owner's property being transported off of and from owner's property by drainage and being deposited onto said public property and/or a public right-of-way.

(Ordinance 1907 adopted 1/28/13)

§ 3.16.004 Related ordinances.

Besides this article, the Town has other ordinances, regulations, and specifications possibly affecting erosion and sedimentation control. In the event of a conflict between this article and any other ordinances of the Town, the most restrictive provisions shall govern.

(Ordinance 1907 adopted 1/28/13)

§ 3.16.005 Responsibility of owner.

An owner shall be responsible for any dirt, silt, sand, mud, rocks or similar debris transported off of and from an owner's property by drainage of any kind. In this article, said dirt, silt, sand, mud, rocks or similar debris shall be referred to individually and/or collectively as "sediment."

(Ordinance 1907 adopted 1/28/13)

§ 3.16.006 Public nuisance.

It shall be unlawful for an owner to fail to prevent an erosion nuisance from occurring on and/or originating from an owner's property.

(Ordinance 1907 adopted 1/28/13)

§ 3.08.012 Suspension of building permit for violations of the parking management plan, construction management plan and construction site maintenance provisions.

(a)

On-street vehicle parking in violation of the Parking Management Plan is prohibited.

(b)

Failure to meet a milestone benchmark on Construction Management Plan is prohibited.

(c)

Failure to keep a construction site in a condition as required by section **3.01.003(b)**, **(c)** or **(d)** is prohibited.

(d)

In the event that three (3) violations of the Parking Management Plan, Construction Management Plan or Construction Site Maintenance provisions at a Construction Site have occurred, the Town may issue a “stop-work order” for such construction project and either suspend or revoke the building permit for the project.

(e)

A “stop-work order” issued under this section shall not be calculated as additional work days beyond the expiration date of the construction permit.

(f)

In the event a stop-work order is issued under this section, as a prerequisite condition for lifting such order, the owner shall pay to the Town a penalty of:

(1)

\$250.00 per day for each day of violation for the first seven days of violation(s);
and

(2)

\$500.00 per day for each day of violation for all other violation(s).

** Not intended to be an all-inclusive list of possible code violations on construction sites.*