

L.L. No. 3-2021

Section one. Chapter 53 is hereby amended by adding a new article, to be known as “**Article III: Building Construction Site Maintenance**”, to read as follows:

ARTICLE III: Building Construction Site Maintenance.

§53-24. Building construction sites.

A. Purpose. Building construction sites shall be maintained in conformity with the provisions of this article and all applicable laws to assure reasonable safeguards to protect the safety, health, and property of Village residents and the general public; and to protect roads and waterways from sediment transport created by storm-water runoff from construction sites. It shall be the obligation of the owners, residents, and all contractors and individuals working at a site to abide by the provisions of this section to keep the premises in a clean and safe condition and to take all required and other reasonable actions to prevent erosion and damage to any neighboring property, including, but not limited to, waterways.

B. Definitions. For the purposes of this article, the following terms shall have the meanings indicated:

BUILDING CONSTRUCTION SITE

Any premises within the Village that is undergoing an improvement.

BUILDING INSPECTOR

The Building Inspector of the Village Building Department or such Inspector's designee.

EROSION

The movement of soil particles by the action of water, wind, ice, or other geological agents.

IMPROVEMENT

All work, including, but not limited to, the construction and/or installation of new structures, additions, alterations, utilities, repairs, appliances, equipment, landscaping, demolition, excavation, and any other disturbance of existing stabilized soil, other than a disturbance of the soil which, in the opinion of the Building Inspector, is de minimis.

RECEPTACLES

A dumpster, cart, pail, or other container used for the storage and/or transport of refuse.

REFUSE

Includes garbage, newspapers, and refuse and, for clarity, includes, but is not limited to, materials used in building and other construction.

RIGHT-OF-WAY

The area between the paved portion of a road and the property line of the property adjoining that road.

ROADS

All public roads and all private roads serving three or more properties.

SUBJECT PREMISES

The premises where the improvements are taking place.

§53-25. Building construction site maintenance.

- (1) No construction materials shall be located on any property other than on the subject premises in connection with construction being performed on the subject property without the prior approval of the owner of that property and the Inspector. This prohibition includes, but is not limited to, all roads and rights-of-way.
- (2) No vehicles, machinery, or other equipment used in conjunction with an improvement shall be parked, standing, or stored other than on the subject premises without the prior approval of the owner of that other property and the Inspector. That prohibition includes, but is not limited to, all roads and rights-of-way.
- (3) No vehicles, machinery, or other equipment used in conjunction with an improvement shall block any roadways or driveways, damage any property, or drop, by their tires or otherwise, any mud, dirt, sediment, or refuse off the subject premises, or create any hazard or nuisance.
- (4) Grass and other ground cover on rights-of-way shall remain undisturbed and maintained for the duration of any improvement by cutting grass, raking leaves, and removing refuse.
- (5) The subject premises and all rights-of-way adjoining the subject premises shall be maintained regularly for the duration of any improvement by cutting grass, raking leaves, and removing refuse.
- (6) Tracked heavy machinery shall not be driven on any road or right-of-way.
- (7) Sufficient access to the subject premises, and to the structures thereon, if any, for fire and emergency vehicles, as determined by the Building Inspector, shall be maintained at all times.
- (8) If access other than an existing driveway is being used for vehicles, machinery, and other equipment in conjunction with an improvement, there shall be only one entrance for such access. The entrance shall be protected from erosion by placement of a recessed entry pad. The minimum size of the entry pad shall be 24 feet wide by 50 feet long and 12 inches deep and be made of oversized three-to-four-inch diameter crushed stone on top of filter fabric, as approved by the Building Inspector.
- (9) If access by an existing driveway is being used for vehicles, machinery, and other equipment in conjunction with an improvement, such access shall be protected by a crushed stone entry pad, as approved by the Building Inspector.
- (10) Roads and rights-of-way shall be cleaned each time a vehicle, machinery, or other equipment exits the subject premises if it drops mud, dirt, sediment, or refuse onto a road or right-of-way.
- (11) Refuse shall not be stored in piles on the subject premises or any other property.
- (12) All refuse shall be placed immediately in receptacles.

- (13) All receptacles shall be securely covered at all times during the hours that construction work is not being conducted. Receptacles shall not be allowed to overflow and shall be changed or emptied with sufficient regularity to prevent their overflowing or inability to be covered.
- (14) All receptacles shall be subject to the approval of the Building Inspector to assure that they may be maintained in accordance with this section.
- (15) Refuse shall not be permitted, allowed, or tolerated to be scattered on the subject premises or any other property.
- (16) Any lightweight debris such as, but not limited to, papers, cups, disposal food wrappings, plates, and utensils, shall not be permitted to blow and spread about the subject premises or other property, including, but not limited to, roads, rights-of-way, neighboring properties, wetlands, and waterways. Sufficiently strong and tightly closed plastic refuse bags shall be used to contain lightweight debris.
- (17) By 6:00 p.m. each night, until 8:00 a.m. the following morning, or such later time when construction may legally commence, there shall be no refuse on the subject premises that is not properly contained as required by this section, or in some other manner approved by the Building Inspector, which is sufficient to prevent the blowing or other spread of such refuse, reduce the visual adverse impact of such refuse, and reduce the possibility of rodent and insect infestation as a result of such refuse.
- (18) No mud, dirt, sediment, or other refuse shall be allowed, permitted, or tolerated to erode, flow, blow, or be dumped onto neighboring properties, roads, and rights-of-way. The foregoing shall not apply to the natural falling and blowing of leaves.
- (19) The subject premises shall be protected at all times from soil erosion onto other properties, including, but not limited to roads, wetlands, and waterways by use of New York State Standards and Specifications for Erosion and Sediment Control Best Management Practice Methods as required by all applicable laws, but, in any event, by no less than the placement and the maintenance in good condition of continuous rows of salt-hay bales, silt fencing, crushed stone, geotextile fabric, mulch, and raised berms to the satisfaction of the Inspector. Stockpiles of extra fill shall be protected with erosion control or removed from the subject premises as necessary in the discretion of the Inspector. Erosion control material shall be monitored regularly and immediately after a rain event so that such material is functional and in good and sufficient condition at all times.
- (20) All temporary erosion control material must be removed upon completion of the construction project.
- (21) Upon completion of the construction project, permanent erosion control and landscaping must be established on the entire site. Acceptable methods of permanent erosion control include but are not limited to grass, ground covering plants, trees, shrubs, and other vegetation as approved by the Building Inspector or various Village Boards with jurisdiction to review and approve landscape plans. Tilling of compacted earth and topsoil shall be provided prior to the planting of any vegetation.
- (22) Construction that will create a disturbed land area of 43,560 square feet (one acre) or more shall obtain a SPDES General Permit for Stormwater from the New York State Department of Environmental Conservation. An application shall be filed with the Village Clerk. A storm-water pollution prevention plan (SWPPP) must be submitted for review and approval by the Village

Building Department. Building construction sites shall be maintained in accordance with the SWPPP.

- (23) Construction sites shall be protected by fencing approved by the Building Inspector, subject to the following minimum requirements:
- a. The fence shall be composed of metal chain link, or such other material as may be approved by the Inspector.
 - b. The fence shall be installed in such a manner and in such locations are approved by the Inspector to assure that it is safe and stable and, while maintaining the required safety, to the extent reasonable, limiting the adverse impact upon the adjacent neighbors and the public at large.
 - c. The fence shall be six feet in height.
 - d. The fence shall have opaque mesh material fastened to the inside or such other material, as approved by the Building Inspector, that substantially shields the view of the public to the area being protected by the fence.
 - e. The fence and mesh material shall be maintained in good condition at all times that the fence is required by the Inspector, and the fence and/or the mesh material shall be repaired or replaced if, in the opinion of the Inspector, either or both are no longer in good condition.
 - f. There shall be no commercial advertising, signs, or other writing, symbols, pictures, or other material on the mesh or the fence.
 - g. The fence shall be continuous around the entire area from which individuals might be endangered, unless otherwise approved by the Building Inspector.
 - h. The fence shall have at least one gate.
 - i. All gates shall be closed at all times except when vehicles or individuals are actively passing through them.
 - j. The fence shall be securely locked at all times when no one authorized by the owner to be present on the site is present on the site. If requested by the Inspector, a key to the lock shall be provided to the Building Department.
 - k. The fence shall be installed on the subject property only and shall not be installed on any public or private right-of-way without the express authorization of the owner and the permission of the Inspector, or in any manner that might otherwise unreasonably interfere with any easements of other rights of way of record without the permission of the Building Inspector.
 - l. The fence shall be temporary and shall be removed immediately upon completion of the construction, demolition, excavation, and/or other activities, or such other unsafe condition has been rendered safe, or as otherwise directed by the Building Inspector.
- (24) All excavations shall be protected with temporary shoring to prevent collapse in accordance with all applicable laws. All excavations may be required to have safety fencing in addition to the fence protecting the construction site at the discretion of the Inspector.

- (25) The subject premises, construction, and building materials shall be secured in the event of an extreme weather event.
- (26) The subject premises shall receive regular property maintenance during construction. Grass and weeds shall be cut. Leaves shall be raked. Snow shall be removed within 24 hours from the end of each snowfall. Swimming pools shall be pumped, cleaned, and covered as required.
- (27) The use of recycled concrete aggregate, crushed concrete, or blended recycled concrete is prohibited unless approved by the Building Inspector.
- (28) The installation of Styrofoam stucco, or any similar material in the opinion of the Inspector, on any building shall require the installation of scaffolding and/or mesh screens as required by the Inspector to prohibit the blowing of Styrofoam, or any similar material, upon or from the subject premises.
- (29) The subject premises shall have temporary guardrails with a minimum height of 36 inches at all locations where there is a drop in elevation of 30 inches or more in close proximity to any walking surface or grade and at such other locations as deemed reasonable to prevent falling by the Inspector.
- (30) All buildings on the subject premises shall be provided with temporary smoke and carbon monoxide alarms as required on each floor level for the duration of construction until permanent smoke and carbon monoxide alarms are installed in accordance with applicable building codes.
- (31) All buildings on the subject premises shall be provided with portable fire extinguishers on each floor level for the duration of construction.
- (32) All buildings on the subject premises shall have their interiors maintained in a clean, safe, and organized manner that is free of refuse.
- (33) All properties within the Village that are subject to this section, shall be maintained free of insects, vermin, and rodents.
- (34) In the case of nonresidential premises where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be screened with wire mesh or other suitable materials.
- (35) All properties within the Village that are subject to this section, shall be maintained so that no quantities of sand, dust, or other matter are permitted to blow or otherwise escape into the open air so as:
 - a. To cause, or have a natural tendency to cause, injury, detriment, or annoyance to the comfort, health, or safety any reasonable person; or
 - b. To accumulate upon or cause damage to any real or personal property or equipment.
- (36) During any period of construction, the owners, residents, and all contractors and individuals working at the subject premises shall comply with such directions and orders of the Building Inspector as may be issued to attempt to assure compliance with this section.

§53-26. Enforcement.

- A. The Building Inspector shall administer and enforce the provisions of this section.

B. The Building Inspector is authorized to direct any person, as the Building Inspector may deem appropriate to take such action as may be reasonable or necessary to prevent, discontinue, or mitigate a violation of this section.

§53-27. Penalties for offenses.

A violation of any provision of this section shall be punishable by a fine not exceeding \$2,500.

Section two. If any clause, sentence, paragraph, or section of this local law shall be held invalid by any court of competent jurisdiction, or the application of this local law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this local law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this local law are hereby declared to be severable.

Section three. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.