

**CITY OF BIRMINGHAM
CONSTRUCTION SITE REGULATIONS**

(SEC. 50-29 – CONSTRUCTION SITE MAINTENANCE PROVISIONS FOR ALL PROPERTIES)

A. ALL RESIDENTIAL AND COMMERCIAL PROPERTIES, IN ADDITION TO OTHER CITY CODE PROVISIONS AND THE REQUIREMENTS OF THE MICHIGAN BUILDING CODES, SHALL COMPLY WITH THE FOLLOWING PROVISIONS WHILE UNDER A VALID PERMIT FOR CONSTRUCTION:

- 1) **RESIDENTIAL CONSTRUCTION HOURS** RESIDENTIAL CONSTRUCTION, REPAIR, REMODELING, DEMOLITION, DRILLING, WOOD CUTTING, EXCAVATING, AND ALL OTHER CONSTRUCTION ACTIVITIES SHALL ONLY BE PERMITTED BETWEEN 7:00 A.M. AND 7:00 P.M. AND SHALL ONLY BE PERMITTED MONDAY THROUGH SATURDAY, EXCEPT LEGAL HOLIDAYS, WITH ACTIVITIES NOT EXCEEDING THE DECIBEL LEVELS IDENTIFIED IN TABLE I OF SECTION 50-74.
- 2) **COMMERCIAL CONSTRUCTION HOURS** COMMERCIAL CONSTRUCTION, REPAIR, REMODELING, DEMOLITION, DRILLING, WOODCUTTING OR EXCAVATING, AND SIMILAR CONSTRUCTION ACTIVITIES CONDUCTED BETWEEN 7:00 A.M. AND 7:00 P.M. MONDAY THROUGH SATURDAYS, EXCEPT LEGAL HOLIDAYS, WHICH DOES NOT PRODUCE A SOUND LEVEL EXCEEDING 100 DBA AT OR BEYOND THE PROPERTY LINE OF THE PROPERTY ON WHICH THE WORK IS BEING CONDUCTED.
- 3) **LOADING, IDLING AND DELIVERIES** IN ADDITION TO CONSTRUCTION ACTIVITIES, THE FOLLOWING LIMITATIONS SHALL APPLY TO ALL CONSTRUCTION SITES ON LEGAL HOLIDAYS, SUNDAYS, AND BETWEEN 7:00 P.M. AND 7:00 A.M., MONDAY THROUGH SATURDAY:
 - a. NO LOADING OR UNLOADING OF TRUCKS, TRAILERS, ETC., ON A CONSTRUCTION SITE WITHIN 500 FEET OF ANY RESIDENTIAL DWELLING.
 - b. NO IDLING OR RUNNING OF VEHICLE ENGINES OR OTHER MOTORS ON A CONSTRUCTION SITE WITHIN 500 FEET OF ANY RESIDENTIAL DWELLING.
 - c. NO MAKING OR RECEIVING DELIVERIES FOR MATERIALS, SUPPLIES, EQUIPMENT, ETC., ON A CONSTRUCTION SITE.
- 4) **PUBLIC PROTECTION** WHEREVER A BUILDING OR STRUCTURE IS ERECTED, ALTERED, REPAIRED, REMOVED OR DEMOLISHED, THE OPERATION SHALL BE CONDUCTED IN A SAFE MANNER AND SUITABLE PROTECTION FOR THE GENERAL PUBLIC MUST BE PROVIDED.
- 5) **EQUIPMENT STORAGE** CONSTRUCTION EQUIPMENT MUST BE STORED IN AN ORDERLY FASHION AND IN COMPLIANCE WITH THE BUILDING CODE.
- 6) **AIRBORNE MATERIALS.** PROTECTIVE PROVISIONS MUST BE PROVIDED FOR CONTROL OF ON-SITE DUST, SOIL AND ANY OTHER AIRBORNE MATERIALS SO THAT SUCH MATERIALS REMAIN ON THE JOB SITE.
- 7) **WATCHMAN** WHEREVER A BUILDING IS BEING DEMOLISHED, ERECTED OR ALTERED, A WATCHMAN SHALL BE EMPLOYED TO WARN THE GENERAL PUBLIC WHEN INTERMITTENT HAZARDOUS OPERATIONS ARE CONDUCTED ACROSS THE SIDEWALK OR WALKWAY OR WHERE REQUIRED BY THE BUILDING OFFICIAL.
- 8) **CONSTRUCTION FENCING** EVERY EXCAVATION AND/OR AREA OF A CONSTRUCTION SITE MUST BE ENCLOSED WITH A BARRIER CONSISTING OF CHAIN LINK FENCING NOT LESS THAN SIX (6) FEET HIGH TO

PREVENT THE ENTRY OF UNAUTHORIZED PERSONS. BARRIERS OF EQUAL OR GREATER STRENGTH MAY BE UTILIZED *IF APPROVED IN WRITING BY THE BUILDING OFFICIAL*. CONSTRUCTION FENCING MUST COMPLY WITH THE FOLLOWING PROVISIONS:

- a. THE SIX-FOOT TALL RIGID CONSTRUCTION FENCING MUST REMAIN IN PLACE UNTIL A CITY OFFICIAL HAS APPROVED ITS REMOVAL.
 - b. THE FENCE MUST REMAIN PROPERLY INSTALLED INSIDE THE LOT ONE FOOT FROM THE CITY SIDEWALK.
 - c. THE FENCE MUST NOT ENCROACH ONTO OR OVER ANY ADJOINING PROPERTY AT ANY HEIGHT.
 - d. ACCESS GATES ARE REQUIRED IN THE CONSTRUCTION FENCE AND MUST BE ABLE TO BE SECURED IN A CLOSED RIGID POSITION.
 - e. GATES OPENING OUTWARD MUST BE ABLE TO BE SECURED IN THE OPEN POSITION ONE FOOT AWAY FROM THE CITY SIDEWALK.
 - f. THE GATES MUST BE CLOSED AND SECURED AT ALL TIMES CONSTRUCTION WORKERS ARE NOT PRESENT.
- 9) **SIGN** THE "CODE OF CONDUCT" SIGN PROVIDED BY THE CITY, MUST REMAIN MOUNTED ON THE FRONT OF THE FENCE NEAR THE GATE.
- 10) **ADDRESS** THE PROPERTY ADDRESS NUMBERS MUST BE POSTED ON FRONT OF THE FENCE AND LEGIBLE FROM THE STREET.
- 11) **SILT FENCING** SILT FENCING MUST BE INSTALLED AT CONSTRUCTION SITES WHERE EARTH DISRUPTION HAS OCCURRED AND MUST BE PROPERLY MAINTAINED UNTIL ITS REMOVAL AS APPROVED BY A CITY OFFICIAL.
- 12) **STREETS AND SIDEWALKS** THE CITY STREETS AND SIDEWALKS MUST BE KEPT CLEAN AND PASSABLE AT ALL TIMES. ANY MUD OR DEBRIS DEPOSITED ON THE STREET OR SIDEWALK MUST BE CLEANED UP IMMEDIATELY.
- 13) **VEHICLE ACCESS** A CONSTRUCTION DRIVEWAY CONSISTING OF CONCRETE, ASPHALT OR 21AA CRUSHED STONE 6-INCHES DEEP MUST BE PROVIDED FROM THE STREET TO A POINT OF 20-FEET INTO THE SITE FROM THE PROPERTY LINE. THE DRIVEWAY MUST BE PROPERLY MAINTAINED AT ALL TIMES.
- 14) **CITY RIGHT OF WAY** THE GRASS AREA BETWEEN THE ROAD AND THE SIDEWALK CANNOT BE USED FOR PARKING VEHICLES, STAGING OF MATERIALS, AND MUST BE PROPERLY MAINTAINED. DAMAGE MUST BE REPAIRED IMMEDIATELY AND TO THE SATISFACTION OF A CITY OFFICIAL.
- 15) **DELIVERIES AND MATERIAL STAGING** ALL CONSTRUCTION MATERIALS MUST BE DELIVERED DIRECTLY ONTO THE CONSTRUCTION SITE. THE CITY STREET, SIDEWALK AND GRASS AREA BETWEEN THEM MUST NOT BE USED FOR DELIVERIES OR STAGING OF CONSTRUCTION MATERIALS AT ANY TIME.
- 16) **SIDEWALK DAMAGE** ANY DAMAGE TO THE SIDEWALK MUST BE REPAIRED IMMEDIATELY UNLESS A SIDEWALK OBSTRUCTION PERMIT HAS BEEN ISSUED BY THE ENGINEERING DEPARTMENT.
- 17) **SIDEWALK REPAIR** SECTIONS OF SIDEWALK THAT ARE DAMAGED OR REMOVED MUST BE REPAIRED WITH CONCRETE OR ASPHALT TO THE SATISFACTION OF A CITY OFFICIAL.

- 18) **TOILET FACILITIES** A TOILET FACILITY MUST BE PROVIDED FOR CONSTRUCTION WORKERS AND MUST BE MAINTAINED IN A SANITARY CONDITION, WITHIN THE FENCED AREA OF THE SITE.

B. PENALTIES FOR VIOLATIONS

- 1) **UNSAFE CONSTRUCTION SITE** BUILDING PERMIT HOLDERS SHALL BE HELD RESPONSIBLE TO HAVE A LEGAL AND SAFE CONSTRUCTION SITE. IF FIVE (5) OR MORE VIOLATIONS OF THIS SECTION 50-29, AND/OR SECTION 118-15 OCCUR ON THE SAME SITE PER CALENDAR MONTH, THE BUILDING PERMIT HOLDER SHALL BE CITED UNDER THIS SECTION FOR AN UNSAFE CONSTRUCTION SITE. THE PENALTY SHALL BE AS SPECIFIED IN THE SCHEDULE OF FEES, CHARGES, BONDS AND INSURANCE.
- 2) **CIVIL INFRACTION** ANY VIOLATION UNDER THIS SECTION "CONSTRUCTION SITE MAINTENANCE" SHALL BE A MUNICIPAL CIVIL INFRACTION ISSUED TO THE PARTY IN VIOLATION. FOR A FIRST, SECOND, THIRD AND SUBSEQUENT OFFENSE OF THE SAME VIOLATION UNDER THIS SECTION AT THE SAME SITE THE FINE SHALL BE AS SPECIFIED IN THE SCHEDULE OF FEES, CHARGES, BONDS AND INSURANCE.
- 3) **DAILY VIOLATION** EACH AND EVERY DAY THAT A VIOLATION OCCURS ON THE SAME CONSTRUCTION SITE UNDER SECTION 50-29 AND/OR SECTION 118-15 SHALL CONSTITUTE A NEW, SEPARATE AND CITABLE VIOLATION WITH THE PENALTIES PRESCRIBED ABOVE.

C. MUNICIPAL CIVIL INFRACTION PENALTY

FIRST OFFENSE.....	\$100.00
SECOND OFFENSE.....	\$250.00
THIRD OFFENSE.....	\$500.00
SUBSEQUENT OFFENSES.....	\$500.00
BUILDING PERMIT HOLDERS WITH 5 OR MORE VIOLATIONS AT SAME SITE WITHIN 1 CALENDAR MONTH.....	\$500.00