

ORDINANCE NO. 711

AN ORDINANCE OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES TO ADD NEW REGULATIONS GOVERNING CONSTRUCTION SITES AND CONSTRUCTION ACTIVITY AND TO RENUMBER EXISTING REGULATIONS; PROVIDING FOR PENALTIES; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS:

Section 1. Chapter 10, Article I of the Code of Ordinances of the City of Hunters Creek Village, Texas is amended by adding a new Section 10-3 to read as follows:

“Sec. 10-3. 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, weather-proofed “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, if possible, screened from the neighbors. The container must be placed, removed, serviced, and emptied only during legal work hours as provided below in paragraph (o) and only within the construction site.
- (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.
- (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 no closer than 35 feet from the front property line or 25 feet from any side or rear property line 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) **Site parking.** All vehicles, trailers, or mobile equipment associated with the construction site shall be parked on the site where possible. Otherwise, they shall be parked on the same side of the street as the construction site and in front of or as close to the site as possible. In no event shall any vehicle, trailer, or mobile equipment be parked on a street in such manner as to leave less than fifteen feet of street clearance for other traffic.

(j) **Property Damage.** The contractor in charge of the site and the owner of the site shall be jointly liable for any damage to public property or rights-of-way that occurs because of construction activity. Any damage must be repaired immediately. A construction project will not be eligible for final inspection until all necessary repairs are completed.

(k) **Noise.** Radios and other sound amplifying equipment shall not be operated on a construction site.

(l) **Deliveries.** Construction materials may be placed in the public right-of-way only during unloading activities during work hours as provided in paragraph (o) below and must be relocated to the construction site within two hours.

(m) **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. Storm water 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. No fencing shall be required when construction involves an occupied home.

(n) **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.

(o) **Work Hours.** All construction work shall be performed between the hours of 8:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, except as provided below. No construction work shall be performed on Sundays or on holidays on which the City's offices are closed. On days on which construction work is permitted indoor work may continue until 9:00 p.m. provided that all such work is conducted in an enclosed structure, and is not visible or audible from surrounding properties. The City's building official may permit construction work to be performed at other times if necessary because of emergency conditions. The provisions of this subsection shall control over any contrary provision in any of the uniform building codes adopted by the City.

Section 2. The Code of Ordinances of the City of Hunters Creek Village, Texas is amended by moving Section 26-5 ("Entry by police on construction sites") from Chapter 26 to Chapter 10, Article I, and renumbering it as Section 10-4.

Section 3. The City's building official is hereby directed to provide, to all persons receiving building permits, written notice of the provisions contained in this ordinance.

Section 4. Any person, corporation, or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance, or its application to any person or circumstance, shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED THIS 15th day of January, 2008.

J. Robert Dodson III
Mayor

ATTEST:

Deborah L. Loesch, TRMC
City Secretary