

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 767 – CONSTRUCTION SITE MAINTENANCE**

**AN ORDINANCE TO GOVERN CONSTRUCTION SITE
MAINTENANCE, TO PROVIDE SPECIFIC GUIDELINES FOR SAME
AND ENACT SANCTIONS FOR VIOLATIONS THEREIN**

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

- (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:
- (b) 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 the City of Clawson's Noise Ordinance.
- (c) Commercial construction hours. Commercial construction, repair, remodeling, demolition, drilling, wood cutting or excavating, and similar 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.
- (d) 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:
 - 1. No loading or unloading of trucks, trailers, etc., on a construction site within 500 feet of any residential dwelling.
 - 2. No idling or running of vehicle engines or other motors on a construction site within 500 feet of any residential dwelling.
 - 3. No making or receiving deliveries for materials, supplies, equipment, etc., on a construction site.
- (e) 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.
- (f) Equipment storage. Construction equipment must be stored in an orderly fashion and in compliance with the building code.

- (g) 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.
- (h) Watchman. Whenever a building is being demolished, 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.
- (i) 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 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:
 - 1. The six-foot tall rigid construction fencing must remain in place until a city official has approved its removal.
 - 2. The fence must remain properly installed inside the lot one foot from the city sidewalk.
 - 3. The fence must not encroach onto or over any adjoining property at any height.
 - 4. Access gates are required in the construction fence and must be able to be secured in a closed rigid position.
 - 5. Gates opening outward must be able to be secured in the open position one foot away from the city sidewalk.
 - 6. The gates must be closed and secured at all times construction workers are not present.
- (j) Sign. The "Code of Conduct" sign provided by the city, must remain mounted on the front of the fence near the gate.
- (k) Address. The property address numbers must be posted on front of the fence and legible from the street.
- (l) 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.
- (m) 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.
- (n) Vehicle access. A construction driveway consisting of concrete, asphalt or 21AA crushed stone six 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.
- (o) 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. Any damage must be repaired immediately to the satisfaction of a city official.

- (p) Deliveries, 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.
- (q) Sidewalk damage. Any damage to the sidewalk must be repaired immediately unless a sidewalk obstruction permit has been issued by the engineering department.
- (r) Sidewalk repair. Sections of sidewalk that are damaged or removed must be repaired with concrete or asphalt to the satisfaction of a city official.
- (s) 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.

Penalties for violations.

- (t) *Unsafe construction site.* Building permit holders shall be held responsible to have a legal and safe construction site. If five or more violations of this section 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.
- (u) Civil infraction. Any violation under this section “construction site maintenance” shall be a municipal civil infraction issued to the party in violation. For each violation under this section the offending party shall be responsible for a fine of not more than \$500.
- (v) Daily violation. Each and every day that a violation occurs on the same construction site under this section shall constitute a new, separate and citable violation with the penalties prescribed above.
- (w) Repealer. This Ordinance hereby repeals any ordinances in conflict herewith.
- (x) Savings Clause. That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.
- (y) Severability. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

DATE OF EFFECT.

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10)

days after the date of publication.

This ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the 3rd day of January, 2023 and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, August Gitschlag, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on Tuesday, the 3rd day of January, 2023 at 7:30 p.m., further this Ordinance was duly published in the January 6, 2023 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

Paula Millan, Mayor

August Gitschlag, City Clerk

Date:_____

Dated: _____