

**CITY OF NORTHVILLE
CODE OF ORDINANCES
ORDINANCE NO. 07-19-21**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO ADD PROVISIONS TO ADDRESS CONSTRUCTION SITE OPERATIONS IN THE CITY OF NORTHVILLE

Section 1. The City of Northville Ordains:

The Code of Ordinances is hereby amended by adding the following described text revisions.

Section 2. Modify the following Chapters

Chapter 14 Building and Building Regulations

[Add Article XIII Construction Site Operations]

ARTICLE XIII. – CONSTRUCTION SITE OPERATIONS

Sec. 14-361.- Purpose of article

It is the purpose of this article to establish the authority for Construction Site Operation Standards to ensure that property development practices limit the impact on adjacent properties and public health, safety and welfare. These Standards are in addition to other City Ordinances.

Sec. 14-362.- Construction site operations

Permit holders or responsible parties operating construction sites within the City shall be required to maintain sites in compliance with Construction Site Operation Standards, as adopted by City Council. City Council will periodically review these Standards and are subject to change.

Sec. 14-363.- Enforcement

A permit holder or responsible party operating any construction site not in compliance with the Construction Site Operation Standards, as set forth in Sec 14-362, shall be notified in writing to remove or eliminate such violation within 2 days after service of the notice. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate the violations are in progress. Continued violations may result in the issuance of a stop work order.

Sec. 14-364.- Penalty for violation of article

Any person violating this article shall be responsible for a municipal civil infraction punishable by a civil fine of not more than \$500.00 and the costs of prosecution.

Secs. 14-365 – 14.395. – Reserved

Chapter 34 Environment

[Delete 34-83(8) Construction Noises and renumber remaining subsections]

Sec. 34-83. - Noises prohibited; exceptions.

Among others, each of the following acts is declared unlawful and is prohibited, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns and signal devices.* The sounding of any horn or signal device on any automobile,

motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

- (2) *Radio and musical instruments.* The playing of any radio, television, phonograph, or any musical instruments in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (3) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (4) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner.
- (5) *Animal and bird noises.* The keeping of any animals or birds which by causing frequent or long continued noise shall disturb the comfort or repose of any person.
- (6) *Whistle or siren.* The blowing of any whistle or siren, except to give notice of the time, or as a warning of fire or danger.
- (7) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which effectively prevents loud explosive noises therefrom.
- (8) *Handling merchandise.* The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (9) *Noise or commotion in vehicles.* To make a commotion or make unnecessarily loud noises, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed.
- (10) *Sound trucks.* To operate or cause to be operated a sound truck with radio or amplifier within the city without first having obtained a permit therefor from the city manager.
- (11) *Exceptions.* None of the prohibitions in this section shall apply to or be enforced against any police or fire vehicle of the city or ambulance while engaged upon necessary public emergency business; necessary excavations or repairs of bridges, streets, or highways by or on behalf of the city, county or state during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day; the reasonable use of stationary amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

Chapter 74 Streets, Sidewalks and Other Public Places

Article I. In General

[Delete 74-6 Construction and Repair; Removal of Materials and renumber remaining subsections]

Sec. 74-1. Sidewalks; dangerous and unsafe conditions.

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or be unsafe.

Sec. 74-2. Unsafe driveways and crosswalks; repair.

Whenever any driveway, crosswalk or other paved area between the sidewalk and the curb is or becomes so defective that it is not reasonably safe or fit to travel, and, in the opinion of the city manager, such area should be immediately repaired, he shall give the owner or occupant of the premises adjacent to such driveway, crosswalk or other paved area notice to repair such area within 30 days. In default of such repair, the city manager shall have the power to cause such area to be repaired and shall make a detailed report to the council of the cost and expense of performing this work, which cost and expense shall be charged to such owner or occupant in the manner provided by the Charter relative to special assessments.

Sec. 74-3. Plans and specifications; city manager approval.

No work for which a permit is required under this chapter shall be done by any person except in accordance with plans and specifications approved by the city manager, and all work shall be done under his supervision.

Sec. 74-4. Street openings; guarding.

No person making an opening in a street, alley or public place shall fail to guard the area fully during the period of construction, and no person causing any such opening to be used, nor the user of such opening, shall fail to guard or barricade the area while in use, so as to protect the safety of the public. No person using any street opening or causing such opening to be used shall fail to close the opening in accordance with the directions of the city manager immediately after use.

Sec. 74-5. Additional construction regulations.

The city manager may make such additional rules and regulations, subject to the approval of the council, pertaining to the making of openings or excavations in streets, in the building of any vault, stair or areaway in, over or under the streets, as are necessary to secure the health and safety of the public and for the protection of property. Such rules and regulations shall constitute the standards upon which the permits required in article II of this chapter shall be issued.

Sec. 74-6. Cutting or disfiguring of poles.

No person shall hack, cut, mutilate, disfigure or in any manner injure any telegraph, telephone, electric light, railway or fire alarm pole in any street, alley, park, land or public place in the city.

Sec. 74-7. Suspension of objects.

No person shall suspend anything above any sidewalk or within any street area unless expressly authorized by this chapter, except an awning or marquee no part of which is less than seven feet above the sidewalk grade.

Sec. 74-8. Driving vehicles on sidewalks or curbing.

No person shall go upon or drive, or cause to be driven, any vehicle on any sidewalk or curbing, located on any street in the city, except at a driveway constructed for such purpose.

Sec. 74-9. Mechanically propelled vehicles and horses on sidewalks.

No mechanically propelled vehicle including, but not limited to, motorized bicycles and minibikes, shall be operated upon, nor shall any horse be ridden or walked on or over any sidewalk, or upon the area between sidewalks and street curbs in the city.

Sec. 74-10. Moving, defacing or destroying parts of streets or warning signs.

No unauthorized person shall move, alter, deface, injure or destroy any part or accessory of any street or alley or any sign or barricade erected or placed to protect, warn or guide the public.

Sec. 74-11. Obstructions and encumbrances.

No person shall obstruct or encumber any street, alley or any public place with any article or thing whatsoever.

Sec. 74-12. Display of merchandise.

(a) Prohibited generally; exception. No person shall occupy any sidewalk, street right-of-way, or other

city-owned property within the city with any merchandise, goods, wares, or any stand, wagon, vehicle, structure or fixture used for the vending of goods, wares or merchandise, except under the authority of a permit issued by the city pursuant to the policy established by the city council.

- (b) Waiver for sidewalk sales or special events. Upon application, and when deemed in the public interest, the city council may waive the provisions of this article for specific dates for sidewalk sales, or similar special events sponsored by local organizations such as retail merchants or chamber of commerce associations.
- (c) Penalty for violation of section. Any person who violates any provision of this section shall, upon conviction, be punished according to the provisions of section 1-18. (Code 1980, §§ 7-132—7-134)

Secs. 74-13--- 74-35. Reserved.

Chapter 90 Vegetation

[Delete 90-35(b) Protective barriers and renumber remaining subsections]

Sec. 90-35. - Protective barriers.

- (a) *[Requirements for land clearing.]* Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer or agent shall do the following:
 - (1) All trees for which application is being made for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the department.
 - (2) Keep clear all debris or fill, equipment and material from within the required protective barrier.
 - (3) Before development, land-clearing, filling, or any land alteration for which a tree removal permit is required, the applicant shall erect and maintain protective barriers to protect remaining trees. Protective barriers shall remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first. Wood, metal, or construction fencing shall be utilized during construction to protect existing trees.
- (b) *[Certain attachments restricted.]* No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this section.
- (c) The department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.
- (d) *[Bonding, financial security requirements.]* Applicant may be subject to bonding or financial security requirements in accordance with section 19.06 of the city's zoning ordinance and section 90-42.
- (e) *Damage to plantings.* Damaged trees or illegally removed trees shall be repaired or replaced as directed by building official. Repair work shall be executed as soon as possible by a competent firm or tree surgeons approved by the building official and in a manner approved by the building official at the expense of the applicant or permit holder.
 - (1) The building official shall evaluate such damage and shall apply proportional amounts and penalty fees up to 100 percent of calculated value, regardless of the disposition of the particular specimen. Penalties and civil fines shall also be subject to a schedule as established by the city council for violations of the ordinances specified in this section, which schedule shall provide for a fine if paid within ten days of a violation notice, and a higher fine if paid after ten days. Payment of the specified fine for any violation included in the schedule of fines shall constitute settlement of the violation notice by the party receiving the notice.
 - (2) Where partial damage occurs, applicant or property owner may choose to make repairs and retain the specimen. The building official will evaluate such damage, and will set proportional

amounts, up to 100 percent of the calculated replacement value regardless of the disposition of the particular specimen. A schedule of replacement values shall also be established by city council.

Section 3. Rights and Duties

Rights and duties which have matured, penalties which have incurred, proceeding which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Section 4. Severability

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph, or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 5. Effective Date

This ordinance shall be published per the requirements set forth in Chapter 7 of the City Charter, that being published by the tenth day following adoption and effective on the day following publication.

The foregoing ordinance amendment is a true and correct copy of the ordinance adopted at the regular meeting of the City Council of the City of Northville held on August 2, 2021 at 7:00 p.m. via video conference meeting as allowed by City Council's Local State of Emergency Declaration due to the COVID-19 pandemic and in compliance with the Open Meetings Act.

Brian P. Turnbull, Mayor
City of Northville

Dianne Massa, CMC, City Clerk
City of Northville

The undersigned certifies the forgoing ordinance was:

Introduced: 07-19-21

Adopted: 08-02-21 By a vote of 5:0

Published: 08-12-21

Effective: 08-13-21

Dianne Massa, CMC, City Clerk
City of Northville