

**ORDINANCE NO. 2020 – 14**

**TOWN OF BLUFFTON, SOUTH CAROLINA**

**AN ORDINANCE AMENDING THE TOWN OF BLUFFTON'S MUNICIPAL CODE OF ORDINANCES, CHAPTER 5, OFFICIAL CONSTRUCTION CODE, ARTICLE 1 – ADMINISTRATION, DIVISION 18. – CONSTRUCTION SITE PROPERTY MAINTENANCE AND SITE PREPARATION FOR SEVERE WEATHER EVENTS**

**WHEREAS**, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

**WHEREAS**, to establish the necessary provisions to accomplish the above, the Town of Bluffton has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

**WHEREAS**, the Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed appropriate; and,

**WHEREAS**, the Town Council desires to ensure that construction sites are maintained in good, clean and safe condition; and,

**WHEREAS**, the Town Council desires to ensure that loose items are secured, stored or removed from construction sites and developed sites prior to imminent severe weather events to prevent such items from becoming airborne; and,

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA**, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

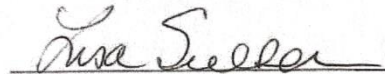
**SECTION 1. AMENDMENT.** The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina by adopting and incorporating amendments to Chapter 5 – Official Construction Code, Article 1 – Administration, Division 18. – Construction Site Property Maintenance and Site Preparation for Severe Weather Events as shown on Exhibit A attached hereto and fully incorporated herein by reference.

**SECTION 2. REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this 11<sup>th</sup> day of August, 2020.

This Ordinance was read and passed at first reading on July 14, 2020.

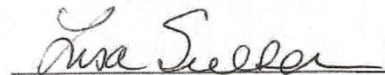


Lisa Sulka, Mayor  
Town of Bluffton, South Carolina



Kimberly Chapman  
Town Clerk, Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on August 11, 2020.

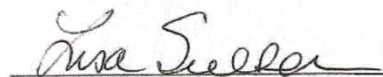


Lisa Sulka, Mayor  
Town of Bluffton, South Carolina



Town Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on August 11, 2020.



Lisa Sulka, Mayor  
Town of Bluffton, South Carolina



Town Clerk, Town of Bluffton, South Carolina

## EXHIBIT A

### Chapter 5, Official Construction Code; Article 1, Administration, Division 18. – Construction Site Property Maintenance and Site Preparation for Severe Weather Events

Sec. 5-270. - Intent. The intent of this Division is to protect the public health, safety and welfare by establishing minimum standards for construction site maintenance and to prepare construction sites and developed sites for severe weather events as described within this Division.

#### Sec. 5-271. – Construction Site Property Maintenance.

A. All construction sites shall be maintained in a good, clean and safe condition, including, but not limited to, the following minimum requirements:

1. Handling of debris. Accumulated construction debris shall be hauled away and disposed of in accordance with all applicable laws, on a regular basis, but no less than one (1) time per week. Any debris temporarily stored on site must be stored and secured so as to prevent a safety risk or danger. In addition to any applicable dumpster requirements set forth in this Code, dumpsters shall be emptied or removed when full. Debris from construction sites shall not be disposed of in dumpsters located at any other construction site within the Town without the prior approval of the Chief Building Official, or designee.
2. Storage of construction materials. Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Except as otherwise provided herein, construction materials shall not be stored in a right-of-way.
3. Site cleanliness. All mud, dirt or debris deposited on any street, alley, lane, crosswalk, sidewalk or other public property as a result of demolition, excavation or construction shall be removed and cleaned on a regular basis, and at all times when a nuisance has been created by said debris. In addition, such areas shall be broom cleaned to the extent possible at the end of each day that construction work has occurred. Debris shall be disposed of in accordance with all applicable laws.
4. Portable toilets. A portable toilet shall be provided at every construction site of a new principal structure, or addition thereto, prior to the commencement of construction, unless an existing facility is available on the site. Portable toilets shall be located to have the least possible impact on adjacent properties and should be located, to the extent possible, at the rear of the construction site and out of plain view of any public right-of-way. Portable toilets shall be serviced no less than once a week.
5. Ingress and egress. Routes of access for ingress and egress to the construction site, which will provide protection to pedestrians and minimize

disruption of traffic and damage to the public rights-of-way, shall be followed. The Town reserves the right to designate certain prescribed routes of access for construction traffic.

6. **Oversized construction vehicles.** Oversized construction vehicles will be allowed only on those streets or rights-of-way as designated by the Town Manager or designee
7. **Tree protection measures.** All trees and other vegetation on the public right-of-way shall be protected from damage by means of appropriate fencing. Fencing around trees on the public right-of-way shall be placed so as to protect the critical root zone, which is that circular area under the tree as determined by a one-foot radius for each one-inch in diameter. All tree protection measures set forth in any approved tree protection plans must also be followed.
8. **Utilities and on-site equipment.** On-site electricity is required for construction-related work as soon as is practicable. The proposed locations of any generator and/or compressor shall be depicted on the plans submitted at the time of application for the review and approval of the Town, and shall be located so as to have the least possible impact on adjacent properties, preferably at the rear of the property.
9. **Use of public property.** No loading, unloading, or storage of demolition debris, spoil or construction materials shall be permitted within any right-of-way, on any public property or within ten (10) feet of any right-of-way adjacent to public or private property, unless specifically approved by the Town and shown on an approved Development Plan, if applicable.

## **Sec. 5-272. – Preparation of Construction Sites and Developed Sites for Severe Weather Events**

### **A. Intent.**

The provisions of this Section apply at the direction of the Town Manager, or designee, in the event of significant severe weather conditions, or other similar types of severe weather warnings for any part of Beaufort County.

### **B. Construction sites.**

1. All construction materials, including roof tiles, within the Town shall be secured, stored or removed so as not to create a safety hazard because of hurricane or tropical storm force winds, or similar severe weather.
2. Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of a hurricane or tropical storm warning shall be deemed sufficient notice to the owner of real property upon which construction is occurring or any contractor responsible for the construction to secure, store or remove loose construction debris and loose construction materials against the effects of high wind.
3. Materials stockpiled on top of any structure under construction shall be permanently installed by the property owner or contractor at the direction

of the Town Manager, or designee. However, if such installation cannot be timely completed, then the property owner or contractor shall:

- a. Band together the construction materials and mechanically fasten them to the top of the structure in such a manner so a threat of becoming airborne during a tropical storm or hurricane is not experienced;
  - b. Remove the construction materials from the top of the structure and mechanically tie them down to the ground;
  - c. Remove the construction materials from the job site; or
  - d. Store the construction materials inside a protected structure.
4. Interiors of structures under construction shall be secured to prevent materials from becoming airborne.
  5. All debris on a construction site shall be stored in commercial containers and shall be properly secured.
  6. Commercial containers and portable toilets must be removed from a construction site or mechanically tied to the ground.
  7. Piles of dirt, sand, and stone on a construction site shall be located away from rights-of way, adjoining properties, swales, culverts, inlet grates, creeks, coves and rivers.
  8. All construction materials or debris required to be secured, stored or removed shall remain secure, stored or removed hereunder from the property until the National Weather Service, National Hurricane Center or other appropriate weather agency has removed all portions of Beaufort County from those areas included in a hurricane or tropical storm warning, or the Town Manager, or designee, lifts an severe weather directive pursuant to this Section, whichever event shall first occur.

**C. Developed sites.**

1. On all developed property, all furnishings including, but not limited to, furniture and lawn equipment not secured by a fence or screen enclosure, shall be secured, stored or removed so as to not create a safety hazard due to hurricane force winds.
2. Media broadcasts or notice at the direction of the Town Manager, or designee, issued by the National Weather Service or National Hurricane Center of a hurricane or tropical storm warning for Beaufort County shall be deemed sufficient notice to the owner of developed real property to store or secure furnishings or to remove furnishings not secured or stored from the property.
3. All materials and furnishings required to be secured, stored or removed shall remain secure, stored or removed hereunder from the property at the direction of the Town Manager, or designee, lifts an severe weather directive pursuant to this Section, or until the National Weather Service, National Hurricane Center or other appropriate agency has removed all

portions of Beaufort County from those areas included in a hurricane or tropical storm warning, whichever event occurs first.

**Sec. 5-273. – Notice of Violation.**

**A. Non-emergency Situations.**

Upon the determination of the Town that a construction site is in violation of with any of the terms of this Division, or that a construction site poses a health or safety risk, the Town shall provide notice to the property owner, its contractor or agents of the violation.

The violation may be enforced by the Chief Building Official, or designee, through the issuance of a stop work order in accordance with the procedures set forth in this Code; or an order to repair, restore or demolish the work; to vacate the premises; or otherwise to abate the violation enforceable.

Upon due notice, the construction site shall be brought into compliance within the time directed by the Town, but in no event more than 24 hours from the time of notice. If the violation is not corrected within the time directed, the Town shall have the right, but not the obligation, to correct the violation and charge all costs and fees to the permittee or property owner.

**B. Emergency Situations.**

If at any time the Town determines that an emergency situation exists endangering the public health, safety, or welfare; creating a potential liability for the Town; or endangering the Town streets, utilities or other public property, and if the timing or nature of the situation precludes advance notification as provided in subsection (A) of this section, the Town shall have the right to enter the construction site to take whatever emergency action it deems necessary to secure, store or remove all loose construction materials and debris, including, but not limited to, roof tiles and roofing materials.

In such circumstances, the Town shall bill the property owner or his/her agent for all charges and expenses incurred to eliminate these potentially unsafe conditions by any means necessary. The securing of an outside contractor to perform these services shall be deemed to be the securing of emergency services and shall not require the Town to utilize a competitive bid process to select a contractor.

Any and all loss, damage, costs and expenses, including legal fees and administrative costs, incurred by the Town in the course of exercising its rights pursuant to this Section, or incurred in repairing or restoring damage to the public right-of-way or other public property shall be reimbursed by the property owner. The Town shall not be responsible for any loss or damage incurred as a result of exercising its rights under this Section.

A notice of violation shall be posted at the job site and mailed to the property owner and contractor. The written notice shall constitute a stop work order and shall remain in effect until the bill is paid. Upon receipt of payment, the Chief Building Official, or designee, shall allow resumption of work.