

**CITY OF NORTHVILLE
CODE OF ORDINANCES
ORDINANCE NO. _____**

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. [additions noted with underscored and deletions noted with strikethrough]

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 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 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 90 Vegetation

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

Sec. 90-35. - Protective barriers.

[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) [Restrictions within drip line.] During construction, the owner, developer or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees, including, but not limited to, the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree.~~

~~(e)(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.~~

~~(d)(c) The department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.~~

~~(e)(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.~~

~~(f)(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 _____ 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, City Clerk
City of Northville

The undersigned certifies foregoing ordinance was:

Introduced:

Adopted: By a vote of

Published:

Effective:

Dianne Massa, CMC, City Clerk
City of Northville