

**2016-12 AN ORDINANCE BY
PRINCETON CONCERNING
CONSTRUCTION SITE
MAINTENANCE AND AMENDING
THE "CODE OF THE BOROUGH OF
PRINCETON, NEW JERSEY, 1974."**

WHEREAS, the former Borough of Princeton and the former Township of Princeton have consolidated into a new Municipality known as Princeton pursuant to the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.13; and

WHEREAS, the Mayor and Council of Princeton adopted a resolution extending the effectiveness of both Municipal Codes in effect as of the date of consolidation pursuant to N.J.S.A. 40:43-66.64; and

WHEREAS, in consultation with the Engineering and Construction Departments, the Code Subcommittee has reviewed Chapter 10A of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Construction Site Maintenance," and recommends that this Chapter be applied throughout Princeton, with appropriate updates and revisions; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 10A of the "Code of the Borough of Princeton, New Jersey, 1974" entitled "Construction Site Maintenance" is hereby repealed in its entirety.

Section 2. A NEW Chapter 10A of the "Code of the Borough of Princeton, New Jersey, 1974," as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the requirements and regulations affecting Construction Site Maintenance,

and to replace the aforementioned provisions of the “Code of the Borough of Princeton, New Jersey, 1974.”

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of this Ordinance shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. It sets forth the requirements applicable to maintenance of construction sites.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held March 28, 2016.



Kathleen K. Brzezynski, Deputy Clerk

EXHIBIT A

CHAPTER 10A.

CONSTRUCTION SITE MAINTENANCE

Sec. 10A-1. Purpose of chapter and references.

(a) The purpose of this chapter is to:

(1) Ensure that construction sites are maintained clean, safe, sanitary, and free from any accumulation of rubbish or garbage; and the activities on these construction sites are conducted so as to eliminate unsafe or hazardous conditions that endanger the life or health of the public;

(2) Promote sustainable goals and recycling of construction waste; and

(3) Prevent the accumulation of water or damage to any foundations on the property with the construction site and the adjoining property.

Nothing in this chapter shall be interpreted to limit, restrict, or supersede any requirements of the New Jersey Uniform Fire Safety Code or the New Jersey Uniform Construction Code Act.

(b) References.

(1) Construction Code Enforcement - chapter 5A.1. of this Code.

(2) Noise - Construction Work - section 21-2(i) of this Code.

(3) Sidewalks and Curbs - section 28-3 of the “Code of the Borough of Princeton, New Jersey, 1974,” as may be amended.

(4) International Construction Code.

(5) New Jersey Uniform Fire Safety Act, N.J.S.A. 52:27D-192.

(6) Public Health Nuisance Code of the Princeton Board of Health.

Sec. 10A-2. Hours of operation.

(a) In accordance with section 21-2(i) of this Code, normal hours of operation for construction work on construction sites shall be between the hours of 7:00 AM and 6:00 PM on weekdays and between 8:00 AM and 6:00 PM on Saturdays.

(b) Construction work outside the normal hours of operation shall require the prior procurement of a permit from the engineer and/or construction official, as required in accordance with the terms of section 21-2(i) of this Code.

Sec. 10A-3. General site standards.

(a) As used in this chapter, “construction site” and “site” shall refer to any real property upon which any person proposes to or does engage in the construction, reconstruction or demolition of any building, structure or other improvement including landscaping located upon said real property. A construction permit may or may not be required for such work upon said property.

(b) Each construction site shall be maintained so as to prevent public nuisances, including but not limited to the following:

- (1) Attractive nuisance (shafts, basements, excavations and unsafe fences or structures);
- (2) Unsanitary sewerage or plumbing facilities;
- (3) Circumstances capable of being a fire hazard, according to the Uniform Fire Safety Act;
- (4) Site littered with rubbish or garbage, or which has uncontrolled growth of weeds;
- (5) Structure or building in a state of dilapidation, deterioration, or decay, or faulty construction, open, vacant or abandoned; and
- (6) Excess dust on the site and adjacent properties.

(c) The exterior property areas of each construction site shall be maintained according to the following requirements:

- (1) All exterior property shall be maintained clean, safe, sanitary, and free from any accumulation of rubbish or garbage. All property shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- (2) All sidewalks along the public right-of-way, walkways, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free of hazardous conditions.
- (3) All adjoining streets shall be kept clean at all times.
- (4) If required by the engineer, a stone tracking pad will be installed at the

construction site.

(5) All exterior property shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited.

(6) All structures and exterior property shall be kept free from rat infestation.

(7) Parking of contractors' vehicles must be done according to the existing motor vehicle and parking laws and ordinances.

(d) The following precautions during building operations shall be performed:

(1) Explosives, highly flammable and combustible substances, gases and chemicals shall be stored in accordance with the storage and/or permitting requirements of the Uniform Fire Safety Code.

(2) If directed by the engineer and construction official, a security fence shall be installed around the construction site. In addition:

a. For commercial construction sites, a temporary chain-link fence, with a minimum height of eight feet, shall be constructed and erected according to trade standards and of adequate strength to resist wind pressures, and for purposes of preventing unauthorized entry. The perimeter of the site must be enclosed properly at the end of each work day, including closure and locking of gated openings.

b. For residential construction sites, the engineer and construction official shall specify the required security fence as appropriate for a site.

c. Fences shall not block or prohibit access to fire hydrants or fire department suppression system/standpipe system connections.

(3) If directed by the engineer, a temporary sidewalk shall be used when the ground is excavated under the public sidewalk, causing the sidewalk to be impassable or unsafe for use; a minimum width of four feet shall be used, or a protected walkway of equal width shall be erected in the street. In cases where a temporary sidewalk is not required, at the end of each work day the public sidewalk shall be restored with an ADA-compliant surface.

(4) The entire construction site and adjoining areas shall be kept in a safe and sanitary condition and free of accumulation of trash, rubbish, nuts, bolts, small tools, equipment and all other unsafe or hazardous conditions that endanger the life or health of the public. Rubbish shall not be allowed to accumulate on the site and shall be removed as quickly as conditions warrant, and shall be removed in a manner which prevents injury or damage to persons, adjoining properties, and public right-of-ways. Combustible rubbish shall not be disposed of by burning.

(5) When a building has been demolished, the vacant lot shall be filled, graded, and maintained in conformity to the established street grades at curb levels. Backfilling of removed foundations shall conform to the Uniform Construction Code Act.

(6) All materials and equipment required in construction operations shall be stored and placed so as not to endanger the public, the workers or adjoining property. To the extent reasonably possible, all such materials and equipment shall be stored in the rear of the property and/or behind existing structures.

(7) Materials or equipment shall not be stored within 10-feet of a property line without the approval of the engineer or construction official. Materials or equipment shall not be stored on the street or in the public right-of-way.

(8) Material and equipment shall not be placed or stored so as to obstruct access to fire hydrants, standpipes, fire or police alarm boxes, utility boxes, catch basins or manholes, nor shall they be placed within fifty feet of a street intersection, or so placed as to obstruct normal observation of traffic signals or to hinder the use of public transit loading platforms.

(9) Material shall not be dropped by gravity or thrown outside the exterior walls of a building during demolition or erection. Chutes shall be provided for this purpose and any material which in its removal will cause an excessive amount of dust shall be wet down to prevent creation of a nuisance.

(10) During demolition of a structure, the structure shall be wet down as necessary to prevent excess dust if determined to be necessary in the judgment of the engineer or construction official.

(11) Provision shall be made to prevent the accumulation of water or damage to any foundations on the property of the construction site or adjoining property.

(12) Dust, sand blasts, or other harmful agents, when employed or occurring in construction operations, shall be captured at the work area to prevent their diffusion over adjoining property or streets. All work done involving the removal of lead-based paint must be in compliance with all state and local regulations and requirements.

(13) Adequate toilet facilities and drinking water shall be provided at every construction site.

Sec. 10A-4. Construction site plans.

(a) Construction site plans identifying the proposed location upon a construction site of all dumpsters, debris containers, construction trailers, construction fences, silt fences, containment fences, tree protection fences and portable toilets, and including the emergency telephone contact numbers of all contractors proposing to do any work upon the construction site

shall be submitted to the development enforcement officer concurrently with the application for construction or demolition permits pertaining to the construction site.

(b) The contractor shall make every effort to recycle all construction debris generated. Any proposed construction site plan shall include a written demolition schedule which outlines the anticipated items and amounts of construction debris generated and the recycling site destination.

Sec. 10A-5. Construction debris, dumpsters and other debris containers.

(a) Each construction site shall be equipped with an adequate and suitable receptacle or container (e.g. dumpster or roll-off container) for the deposit of construction and demolition debris and other solid waste generated as part of the construction process and shall be emptied at periodic intervals at the discretion of the engineer so as to prevent overloading, escape of materials contained therein, and to prevent obnoxious odors or nuisances of any type during the period of construction, and not constitute a fire hazard.

(b) Whenever possible, a dumpster shall be located in the driveway of the construction site. An alternate location on the site must be approved by the Engineer or Construction Official.

(c) If a dumpster or roll-off container cannot be located on private property due to driveway width or other property access constraints, and after receiving a permit allowing occupation of right-of-way as set forth in chapter 23 of the “Code of the Borough of Princeton, New Jersey, 1974,” as may be amended, a dumpster or roll-off container may be placed at curbside on any street, road, or right-of-way. It shall be the responsibility of the engineer, in consultation with the police department, to determine whether or not the dumpster may be located curbside. Adequate steps must be taken to prevent debris and rubbish from being blown into the street or right-of-way by the wind and causing a public health nuisance. There shall be no dumpsters permitted on the streets between December 1 and March 31, nor within fifty feet of any intersection.

(1) Upon approval of an application for occupation of right-of-way submitted in accordance with section 28-3 of the “Code of the Borough of Princeton, New Jersey, 1974,” as may be amended, a permit shall be valid and remain in effect for a period of not more than ten calendar days. The initial permit may be renewed by the engineer upon the filing of a renewal application. In the event of extenuating or unforeseeable circumstances requiring the continued use of a dumpster or roll-off container, the applicant must provide good reason as to why the permit should be renewed. However, not more than two consecutive renewals of ten days each shall be issued to any applicant. Dumpster shall not be placed more than two business days prior to start of construction or demolition and shall not remain for more than two business days subsequent to completion of such work or the expiration of the permit.

(2) See section 28-3.5 of the “Code of the Borough of Princeton, New Jersey, 1974,” as may be amended, for applicable permit fees.

(3) The permit holder shall purchase proper meter bags for the occupation of any metered parking space(s) by the placement of the dumpster or roll-off container.

(4) To warn the operators of vehicles and pedestrians of the presence of a dumpster or roll-off container parked on or along any public street, road or right-of-way, said container shall be equipped with such warning devices as appropriate for the location, and as may be directed by the police department.

(5) Planking or other wood sheeting of a minimum nominal thickness of one and one-half inches is required to be placed under the wheels, or road contact areas to protect the public roadway of right-of-way from damage. If the dumpster has wheels, they must be chocked to prevent movement.

(6) The contents of a dumpster or roll-off container placed on a municipal street, road or right-of-way and/or on private property shall not be allowed to overflow or deposit, spill or scatter debris in the public right-of-way and/or private property, thereby creating a nuisance or danger to the public's health, safety and welfare, or constitute a fire hazard. The applicant and/or owner of a dumpster or roll-off container located on a municipal street, road or right-of-way found to be in violation of this provision shall be subject to such fines and penalties for littering as set forth by law or ordinance.

(7) Construction dumpsters shall at all times be kept in good repair and shall be structurally sound and shall be constructed to stand firmly upright. Dumpsters in the public street or public right-of-way shall also be tarped during the night or if left unattended for more than twenty-four hours.

(8) Upon removal of construction dumpster, the public right-of-way shall be swept clean of all loose debris and restored to its former condition in accordance with the standards of the division of public works.

(9) Insurance shall be in accordance with the requirements set forth in section 28-3.2 of the "Code of the Borough of Princeton, New Jersey, 1974," as may be amended.

(10) Failure by the applicant to comply with any of the provisions of this chapter, Title 39, motor vehicle statutes of the state, or any rules or regulations promulgated by the municipality governing placement of dumpsters or roll-off containers shall result in revocation of the permit. Such revocation shall require the applicants to remove the dumpster within twenty-four hours of notice by the police department that the applicant is in violation of the chapter.

(d) Nothing contained within this chapter shall be interpreted or construed as relieving any person or entity from the obligation of complying with all other laws or ordinances regulating the disposal of solid waste and recyclable materials or the provision of laws or

ordinances related to littering and public nuisance. The requirements of this chapter shall be in addition to all such other requirements and are not intended in place thereof.

Sec. 10A-6. Portable toilets.

(a) Any construction site that requires the disruption of water or sewer service for a period of more than seventy-two hours, or where water or sewer service has been disconnected for more than seventy-two hours, shall contain at least one and not more than two portable toilets. To the extent reasonably possible, the portable toilet(s) shall be located behind the residence, building or other structure under construction. If the portable toilet(s) cannot be so located, then they shall be located at least fifteen feet back from the right-of-way, located no more than ten feet from the front of any existing principal structure (on the construction site) and located on the actual construction site itself, and not on the street, public sidewalk or area designated for the sidewalk, or in the public right-of-way. The portable toilet(s) shall not be placed within ten feet of any property line, and the door opening shall face into the construction site rather than toward any neighboring property. The location of the portable toilet(s) shall comply with the distance and set back requirements set forth in this subsection (a), unless, due to the size or configuration of a property such compliance is not feasible in the judgment of the engineer or construction official.

(b) The portable toilets shall be serviced at regular intervals so as to prevent any health hazard, any violation of the Public Health Nuisance Code, including but not limited to, odors, and other obnoxious conditions and nuisances of any type.

(c) In the case of construction related to existing condominiums or multiple-unit structures, this provision may be waived by the construction official upon presentation to the construction official of written proof of access to toilet facilities on the construction site.

Sec. 10A-7. Construction trailers and storage trailers.

(a) Trailers commonly known as "construction trailers" containing tools, materials or supplies for contractors, landscapers and workers shall be parked immediately in front of or on the construction sites but only during the period of actual construction and only during the period of time when the particular contractor or worker utilizing the trailer is actually engaged in working on the project. All such trailers shall be removed at the end of each work day and may not be stored or parked in the street. Storage trailers are not permitted in any municipal street or right-of-way. If a construction trailer is parked on the street, it must be parked so as to conform to the requirements of the New Jersey Motor Vehicle Code, N.J.S.A. 39:1-1 et seq., and shall not be permitted to be parked within fifty feet of an intersection.

(b) A zoning permit is required for use of a construction trailer or storage trailer according to section 17A-214 of the "Code of the Borough of Princeton, New Jersey, 1974," as may be amended. All permitted trailers shall be permitted to remain only during the period of actual construction.

Sec. 10A-8. Enforcement; penalties.

(a) The police department, engineer and construction official shall be responsible for enforcement of this chapter.

(b) Any person, firm, corporation, or partnership who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties as set forth in section 1-6 of this Code.