

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION

For Inclusion on Board Agenda

Resolution or Ordinance (Blue) *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *John*

DATE: August 13, 2008 (B of T) Date: August 21, 2008

TITLE: Ordinance Amending Residential Redevelopment/Construction Site Regulations

SUBMITTED BY: Ted Kloris, BIS Supervisor
Through G. Edward Seagraves, Fire Chief *Ed*

BACKGROUND/POLICY IMPLICATIONS:

The Building Inspectional Services Division of the Fire Department transmits for your consideration an ordinance as approved by the Board of Building Appeals and Village staff. The Ordinance Amends Title 9, Chapter 93, Section 93.02(B) and Title 15, Chapter 150, Section 150.035 of the Lombard Village Code in Regard to Residential Redevelopment/Construction Site Regulations. (DISTRICTS ALL)

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____
Date _____

Finance Director X _____
Date _____

Village Manager X *David A. Hulseberg*
Date *8/13/08*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: Ted Kloris, BIS Supervisor through
G. Edward Seagraves, Fire Chief

DATE: August 13, 2008

SUBJECT: Ordinance Amending Residential Redevelopment/Construction Site Regulations

Attached please find a copy of an ordinance amending Title 9, Chapter 93, Section 93.02(B) and Title 15, Chapter 150, Section 150.035 of the Lombard Code of Ordinances in regard to residential redevelopment/construction site regulations.

Please present to the Board of Trustees for their consideration at their August 21, 2008 meeting.

If you have any questions, feel free to contact me.

Att-

H:\worduser\Fire\LindaO/BOT/Ordinance Amending Residential Redevelopment memo



MEMORANDUM

TO: David Hulseberg, Village Manager

FROM: George Seagraves, Fire Chief

DATE: August 21, 2008

SUBJECT: Construction Site Maintenance Code Amendments

The following subject matter includes the construction site maintenance amendments being proposed to the Building Code as they relate to the topics outlined in the Residential Redevelopment White Paper that was presented to the Village Board last fall. The amendments were also shared with the Board of Building Appeals (BOBA) and they supported the recommendations set forth in the report. This also supplements the text amendments to the Zoning Ordinance considered as part of PC 08-21. The attached Ordinance amends the relevant sections of the Village Code in the following respects:

Construction Site Fencing

When a building permit authorizes any type of construction, whomever conducting the work will be required to erect a "safety fence" around the area of construction. The fencing will be required to be in place within a given timeframe before construction shall commence. A six (6) foot high chain link fence will be required and shall remain in place on the subject property until the project is complete. The safety fencing is also to be installed around any parkway trees and shall remain in place until final inspection of the construction project has been approved by the Village.

Site Restoration

If construction of a new principal structure does not occur within thirty (30) days after demolition, then the site will be required to be rehabilitated by means of backfilling of any excavation, grading, seeding, sodding, fencing, stormwater management or any other improvements deemed necessary. Specific provisions will also grant certain authorities to the Village that will include additional fees for late work and the Village's right to enforce site restoration provisions.

Public Sidewalks

To ensure proper pedestrian movement, the only scenario where a public sidewalk can be removed is if it is required for construction purposes or if the public sidewalk can be replaced and open to foot traffic within 30 days. When a public sidewalk is removed for construction purposes, only the area of the public sidewalk requiring the work can be removed. As a safety precaution, barricades will be required on both sides whenever a public sidewalk is closed to

pedestrian traffic.

Construction Hours

In order to avoid excessive noise disturbance from construction sites onto adjacent properties, the amendments to the hours of construction are being proposed. Originally, construction could commence between the hours of 7 a.m. and 10 p.m.; however, under the proposed amendments, the hours of construction would be changed to 7 a.m. to 8 p.m..

Construction Site Signage

In an effort to provide contact information to the general public involving adjacent construction projects, construction site signage will be required on all new residential, commercial and industrial construction.

The builder or developer will be required to place an informational sign on the jobsite - clear of any clear line of site areas. This sign shall have the following minimum information:

- Address of site
- Name of builder and/or developer
- 24-hour telephone contact number of builder

A second sign will be required that will provide construction site rules and regulation information to the general public. The sign is to be attached to the construction safety fence on the street side clear of any clear line of site areas and facing the street. The sign is to be attached prior to demolition or construction and will be removed at the time the safety fence is removed. The sign will have the following information:

- Construction Code of Conduct
- Village of Lombard's Building Inspection Service's Telephone Number
- Village of Lombard's website
- Twenty-four hour Village contact number
- Emergency Contact Number

ACTION REQUESTED

Please place this item on the August 21, 2008 Village Board agenda for consideration. Staff recommends approval of the aforementioned text amendments.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.
PASSED on first reading this _____ day of _____, 2008.

passage, approval and publication in pamphlet form as provided by law.

SECTION 4: That this Ordinance shall be in full force and effect from and after its

Section R302.10: Hours of Construction

Section R302.9: Construction Site Signage

Section R302.8: Public Sidewalks

Section R302.7: Site Restoration Guidelines

attached hereto and made part hereof:

is amended by adding the following subparagraphs thereto, as more fully set forth on Exhibit A

SECTION 3: That Title 15, Chapter 150, Section 150.035 of the Lombard Village Code

made part hereof:

Construction Site Fencing" to read in its entirety as set forth on Exhibit A attached hereto and

is amended by revising the paragraph set forth therein relative to "Section R302.5: Residential

SECTION 2: That Title 15, Chapter 150, Section 150.035 of the Lombard Village Code

amended by revising the reference therein to, "10:00 p.m." to read, "8:00 p.m."

SECTION 1: That Title 9, Chapter 93, Section 93.02(B) of the Lombard Village Code is

DuPage County, Illinois, as follows:

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard,

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 93,
SECTION 93.02(B) AND TITLE 15, CHAPTER 150, SECTION 150.035
OF THE LOMBAR VILLAGE CODE IN REGARD TO
RESIDENTIAL REDEVELOPMENT/CONSTRUCTION SITE REGULATIONS**

ORDINANCE NO. _____

Published by me in pamphlet form this _____ day of _____, 2008.

Brigitte O'Brien, Village Clerk

ATTEST:

William J. Mueller, Village President

APPROVED this _____ day of _____, 2008.

ABSENT: _____

NAYS: _____

AYES: _____

PASSED on second reading this _____ day of _____, 2008.

Brigitte O'Brien, Village Clerk

Exhibit A

Add Section R302.5: Residential Construction Site Fencing.

When a permit authorizes demolition or authorizes construction of a new principal structure or any other construction as determined by the Fire Chief or his designee, then the applicant, owner or general contractor shall cause a "safety fence" (fencing) to be installed around the area of construction, in a location and manner approved by the Fire Chief or his designee. The fencing shall be installed not more than seven (7) days nor less than four (4) days prior to the commencement of any demolition and/or new construction of a proposed structure on the subject property. The fencing shall consist of six (6) foot high chain link fencing with driven posts to secure the chain link. The chain link fencing shall consist of #9 or #11 gauge metal and maximum mesh size of eleven and one-half (1 1/2) inch or as approved by the Fire Chief or his designee. The fencing shall also include removable panels or type of hinged gates, (25% maximum area of fencing) for construction/utility access, only on the street side where the utilities are entering the subject property. Removable panels (or type of hinged gate) shall be latched when there is no construction activity being performed on the construction site. The latch may be of wire composition or of other means as approved by the Fire Chief or his designee. The fencing shall remain in place on the subject property until the structure is made weather tight and secure from unauthorized entry and until the beginning stages of final site improvements (i.e. final grading, sodding or seeding of the subject property).

The applicant, owner or general contractor shall cause tree fencing to be installed around the trees in the public right-of-way (parkway) abutting the subject property. Such tree fencing shall be located, if possible, at the drip line of the tree or as directed by the Fire Chief or his designee. The parkway tree fence shall remain in place until final inspection of the construction projects has been approved by the Village. The required types of tree fencing protection shall be four (4) foot high orange vinyl fencing or chain link fencing.

Add Section R302.7: Site Restoration Guidelines.

If the application includes demolition of a principal structure and if commencement of the construction of a new principal structure does not occur within thirty (30) days after completion of demolition, then the application shall include a detailed site restoration plan depicting all work required to restore the subject property, within thirty (30) days after completion of the demolition, to a safe, clean condition until construction of a new principal structure has commenced, including without limitation backfilling of any excavation, grading, seeding, sodding, fencing, stormwater management and the like.

Additional Fee for Late Work: If the applicant, or owner or general contractor shall fail to commence construction within thirty (30) days or shall fail to complete site restoration within thirty (30) days, as provided in this section, then the applicant, owner or general contractor shall be subject to a special late work permit fee of \$250.00 per day until such work is completed. The Village shall deduct such fee from the construction deposit provided by this Code.

The Fire Chief or his designee may, at his discretion, extend the thirty (30) day time limit to an additional thirty (30) days upon special written request from the applicant, owner or general contractor.

Village Right to Enforce: Every permit authorizing demolition of a dwelling or structure issued pursuant to this Code, shall be conditioned on the agreement of the applicant, owner or general contractor of the subject property that if any work pursuant to a permit authorizing demolition of a dwelling or structure is undertaken in violation of any provision of this Code, then the Village shall have the right at all times, but not the obligation, to enter onto the subject property and to cause any and all work to be done and actions to be taken to cure such violation. The applicant, owner or general contractor of the subject property shall be jointly and severally responsible for all costs and expenses incurred by the Village, including without limitation attorneys' fees and administrative expenses, in causing such cure. The Village shall have the right, at its option, to draw on the construction deposit provided by this Code, or to demand payment directly from the applicant, owner or general contractor, for the cost of such Village work, including without limitation legal fees and administration expenses, based either on costs actually incurred by the Village or on the Village's reasonable estimates of costs to be incurred. The Village shall give a written or oral twenty-four (24) hour notice and an opportunity to cure to the applicant or owner/general contractor before taking such action; provided, however, that no such notice and opportunity to cure shall be required in the event of repeated violations or in the event that a condition on or near the subject property poses, in the determination of the Village, a threat of any kind to the public health and safety.

Add Section R302.8: Public Sidewalks.

The public sidewalk shall not be removed unless required for construction purposes or if the public sidewalk can be replaced and open to foot traffic within thirty (30) days. When a public sidewalk is removed for construction purposes such as utility or driveway, only the area of the public sidewalk requiring the work shall be removed. This area shall be replaced with compacted stone (three (3) inch base and C&G top - six (6) inches) within seven (7) days of the completion of the utility or driveway work and shall have a new public sidewalk installed within ninety (90) days of removal, weather permitting.

Whenever a public sidewalk is closed to pedestrian traffic the area shall be marked by barricades on both sides of the area where work is being performed. If, in the opinion of the Fire Chief (or designee), pedestrians need to be informed of the closure, additional barricades with signage will be erected at locations selected by the Fire Chief (or designee).

Add Section R302.9: Construction Site Signage.

Construction signage shall be placed on all new residential construction.

The builder or developer shall place a construction information sign on the jobsite inside the construction fence on private property clear of any clear line of site areas. The sign face shall be a minimum of twenty (20) inches tall and twenty-eight (28) inches long and no larger than forty-eight (48) inches tall and ninety-six (96) inches long. This informational sign shall have lettering large enough to be read from the street curb. This sign is to be erected prior to the start of any construction and shall come down at issuance of the Certificate of Occupancy or completion. This sign shall have the following minimum information:

- Address of site
- Name of builder and/or developer
- Twenty-four (24) hour telephone contact number of builder

The second sign shall be provided by the Village of Lombard and sold to the builder at the Village's cost, rounded to the next whole ten dollars. The sign is to be attached to the construction safety fence on the street side clear of any clear line of site areas and facing the street. The sign is to be attached prior to demolition or construction and will be removed at the time the safety fence is removed. The sign is the property of the builder and may be reused until the information on the sign is no longer valid or legible. From the time the builder is notified he/she will have thirty (30) days to replace the obsolete sign. The sign will have the following information:

- Construction Code of Conduct
- Village of Lombard's Building Inspection Service's Telephone Number
- Village of Lombard's website
- Twenty-four (24) hour Village contact number
- Emergency Contact Number

Add Section R302.10: Hours of Construction.

See Section 93.02(B) of the Lombard Village Code.