

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA CONCERNING CONSTRUCTION SITE MAINTENANCE

WHEREAS, the City of Lebanon (the “City”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Mayor and Common Council (“Common Council”);

WHEREAS, the Mayor and Common Council are the executive and legislative bodies and are by law authorized to adopt ordinances for the protection of the public health, safety, and general welfare of its residents; and

WHEREAS, public nuisances, when existing unregulated within the corporate limits of the City, are unsightly, detrimental to property values, and a hazard to health and safety; and

WHEREAS, the purpose of this Ordinance is to regulate, prohibit and require the abatement and/or removal of public nuisances, specifically dust, trash and other solid waste, erosion, and weeds as it relates to construction sites;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. As of the effective date of this Ordinance, Chapter 92: Buildings and Building Regulations of the City Code of Ordinances shall be amended and supplemented in accordance with **Exhibit A.**

Section 3. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. All acts pursuant to the adoption of this ordinance are hereby ratified.

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PASSED AND ADOPTED THIS _____ day of _____, 2017.

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz

Corey Kutz

Corey Kutz

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Dick Robertson

Dick Robertson

Dick Robertson

I hereby certify that ORDINANCE 2017-__ was delivered to the Mayor of Lebanon on the ____ day of _____, 2017, at ____ ____m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2017-__
this __ day of _____, 2017

I hereby VETO ORDINANCE 2017-__
this __ day of _____, 2017

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

This document prepared by:
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KRIEG DEVAULT, LLP
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EXHIBIT A

CHAPTER 92: BUILDINGS AND BUILDING REGULATIONS

§ 92.150 Control and maintenance of construction sites.

(1) **Dust Control:** Property owners, operators or contractors shall provide control for on-site dust or any other airborne materials from operations consisting of, but not limited to, construction, drilling, earth moving, excavating or demolition such that materials remain on the job site. In particular, disturbed areas shall have water applied at least once per day depending on atmospheric conditions.

(2) **Solid Waste:** Solid waste related to construction or demolition shall be placed into suitable dumpsters, containers or other approved disposable methods on a daily basis. Dumpsters or other containers shall not be overfilled and shall be removed from the premises within 10 days of being filled to capacity. A dumpster shall be considered overfilled if there is more waste deposited into the dumpster than said dumpster was designed to hold. The construction site shall be maintained free from excessive accumulations of junk, debris, lumber, and/or trash as defined under 96.02 of the current city code.

(3) **Grading and Drainage:** All construction sites shall be graded and maintained in such a way as to prevent the introduction of eroded soil onto other properties. All required erosion control measures per City of Lebanon Standards and/or the approved building permit shall be maintained throughout the entirety of the construction process and any sediment that may form behind such structures shall be inspected for and removed on at least a weekly basis.

(4) **Weeds:** Construction sites shall be maintained free of all noxious weeds and other plant growth in excess of 8 inches. Property owners shall be subject to the provisions under 96.01 of the current city code.

(5) **Portable toilets:** If permanent toilet facilities are not available on the premises, then a minimum of one portable toilet per construction site shall be provided for the use of construction workers.

(Violations and penalties: Use 92.999 of current city code)