

**A RESOLUTION AUTHORIZING THE CONSTRUCTION HOURS POLICY TO
INCLUDE REQUIREMENTS FOR CONSTRUCTION HOURS SIGNAGE AND
ESTABLISHMENT OF ENFORCEMENT PROTOCOL**

WHEREAS, the Mayor and City Council of the City of Brookhaven are charged with the protection of the public health, safety and welfare of the citizens of Brookhaven; and

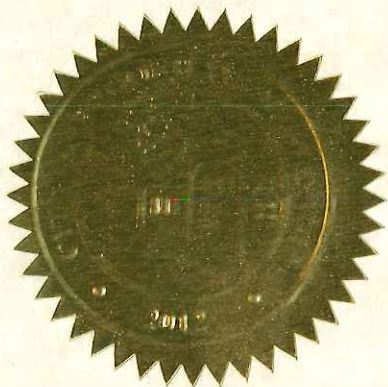
WHEREAS, pursuant to Section 1.03(b) of the Charter of the City of Brookhaven, inter alia, the City of Brookhaven has the power to define, regulate and prohibit any act, practice, conduct or use of property that is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the City, and to provide for the enforcement of such standards, and

WHEREAS, the Mayor and City Council of the City of Brookhaven find that construction hours are not being strictly adhered to and establishment of enforcement guideline is necessary; and

WHEREAS, the Construction Hours Policy for the City of Brookhaven is attached hereto and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROOKHAVEN, GEORGIA that construction activity hours shall be fully adhered to in accordance with the provisions of the rules and enforcement protocol as provided in the Construction Hours Policy.

SO RESOLVED AND EFFECTIVE on this the 12th day of April, 2016.



ATTEST:

Susan Hiott
City Clerk

John Arthur Ernst, Jr.
Mayor

APPROVED AS TO FORM

Christopher D. Balch
City Attorney

CONSTRUCTION HOURS POLICY

All construction activity and deliveries within the City of Brookhaven shall be limited to the hours as referenced in Chapter 7, Section 7-196(c). Furthermore, the following policy regarding construction signage shall be in full effect with the adoption of this policy by resolution of the Mayor and City Council. The City of Brookhaven will have the authority to remedy violations by taking necessary enforcement action and penalties as outlined in this policy.

Section 1. Signage.

- a) A 3'x2' sign advertising the allowed construction hours in both English and Spanish be purchased by the builder/developer from the City of Brookhaven, at a (nonrefundable) cost of \$40 per sign, paid at time of issuance of a demolition permit, building permit or land disturbance permit (LDP).
- b) Staff recommends that any demolition, building and land development activity occurring in the city require that a 3'x2' sign be located in a prominent and conspicuous location, at each construction entrance.
- c) Signage will be provided along with the demolition permit, building permit or LDP, and signage shall be posted on the site prior to holding a pre-construction meeting with the land development inspector.
- d) Signage shall remain on the property in "good condition" for the duration of the construction activity until a Certificate of Occupancy is obtained from the city.
 - 1) "Good Condition" shall mean: maintained in good repair, sign is clearly visible and not inhibited; not torn, disarranged or frayed; and maintained in an upright position.

Section 2. Failure to Comply.

a) Failure to install and maintain sign in "good condition"

- 1) If a builder/developer fails to comply with the signage posting requirement, the proposed construction activity shall not commence until the posting has been corrected and approved by the land development inspector at a rescheduled pre-construction meeting.
- 2) The first offense associated with removal, damaging or not maintaining in good condition of the construction hours sign will result in a mandatory 24-hour stop work order.
- 3) Second offense will lead to a mandatory 48-hour stop work order to be enforced on the property.
- 4) Third and final offense will result in the issuance of a citation with a mandatory 72-hour stop work order. A citation shall carry with it a fine up to \$500 dollars for each day the property owner/builder/developer fails to maintain signage in good condition. Any fine will be determined by the municipal court Judge.

b) Failure to abide by construction hours

- 1) Only one courtesy notice will be provided to the property owner/builder/developer for failure to abide by the required construction activity hours, with a mandatory 24-hour stop work order enforced on the property.
- 2) Subsequent violations will result in the issuance of a citation for each offense (via code enforcement or Brookhaven police) to the property owner/builder/developer and subcontractor that is found to be in violation. In addition to the issuance of citation, a mandatory 48-hour stop work order will be enforced on the subject property for each offense. A citation shall carry with it a fine up to \$500 dollars for each offense. Any fine will be determined by the municipal court Judge.

Section 3. Habitual violator.

- a) "Habitual violator" means any person/entity who has been cited and convicted three or more times at a particular site within a single calendar year for violating the construction activity policy.
- b) When the records of the Community Development Department or Brookhaven Police disclose that any person/entity has been cited and convicted of a violation of the construction activity policy and qualifies as a habitual violator as defined above, the Community Development Department and/or Brookhaven Police shall notify such person/entity that upon the date of the notification, such person has been declared by the City to be a habitual violator, and that henceforth it shall be unlawful for such habitual violator to carry on any construction activity within the City's boundary for a 12-month period from the date of conviction of the first citation.