

**NOTICE OF PENDING ORDINANCE
BOROUGH OF KEYPORT**

**ORDINANCE CREATING NEW CHAPTER 26, "RESIDENTIAL
CONSTRUCTION SITE MAINTENANCE" OF THE CODE OF THE
BOROUGH OF KEYPORT**

This ordinance intends to create New Chapter 26 "Residential Construction Site Maintenance" to A. 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; and, B. Prevent the accumulation of water or damage to any foundations on the property on the construction site and the adjoining property.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading on July 7, 2026, and will be considered for final passage and adoption at the meeting of the Mayor and Council of the Borough of Keyport on July 21, 2026, beginning at 7PM in Keyport Borough Hall, Council Chambers, 70 W. Front Street, Keyport, NJ, when objections, if any, to the passage of same will be received.

Copies of the above Ordinance are available without cost in the Borough Clerk's Office, 70 W. Front Street, Keyport, NJ Monday through Friday, 8:30AM-4:00PM and also on the Borough website at www.keyportonline.com.

Michele Clark, RMC
Borough Clerk

ORDINANCE NO. 2026-18

ORDINANCE CREATING NEW CHAPTER 26, "RESIDENTIAL CONSTRUCTION SITE MAINTENANCE" OF THE CODE OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the "Borough") is desirous of creating a Residential Construction Site Maintenance Ordinance by creating a new Chapter 26 "Resident Construction Site Maintenance";

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keyport that the following new Chapter 26 of the Borough Code be and is hereby amended to read as follows:

Deletions are noted by strike throughs

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

SECTION I

Chapter 26

RESIDENTIAL CONSTRUCTION SITE MAINTENANCE

§ 26-1. Purpose.

The purpose of this chapter is to:

- A. **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;**
- B. **Prevent the accumulation of water or damage to any foundations on the property on 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.

§ 26-2. References.

- A. **Construction Code Enforcement-Chapter 12 Building and Housing of the Keyport Code.**
- B. **Noise-Construction Work-Section 12-1 of the Keyport Code.**
- C. **International Construction Code.**

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

E. New Jersey Uniform Construction Code Act, NJAC 5:23.

§ 26-3. Definitions.

BUILDING — Shall mean a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

COMMERCIAL CONSTRUCTION — Shall mean any construction performed on a property by someone other than the property owner.

CONSTRUCTION — Shall mean and shall include the following activities: the demolition and removal of existing structures; the excavation of the construction site; and the construction, erection, reconstruction, alteration, conversion, removal, repair and renovation of buildings or structures. Construction shall not mean nor include the following activities: spackling, sanding, painting and staining of interior surfaces provided that no power equipment is used.

CONSTRUCTION SITE — Shall refer to any real property upon which any person proposes to

or does engage in the construction, reconstruction, renovation, expansion, repair, maintenance or demolition of any building, structure, infrastructure or other improvement, including landscaping, located upon said real estate.

POWER EQUIPMENT AND TOOLS — Shall mean equipment and tools actuated by an additional power source and mechanism other than the solely manual labor used with hand tools.

PROPERTY OWNER CONSTRUCTION — Shall mean construction performed on a primary single-family residence by the property owner.

RETAINING WALL, STEEL OR WOOD PILE WALL — Retaining wall, steel or wood pile walls are constructed by driving steel sheets or timber into a slope or excavation up to the required depth. Their most common use is within temporary deep excavations. They are considered to be most economical where retention of higher earth pressures of soft soils is required.

STRUCTURE — Shall mean a combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided the word "structure" shall be construed when used herein as though followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning.

- A. All building and other permits shall be displayed so as to be visible to Borough Officials.
- B. All excavation shall be enclosed with orange fencing.
- C. All construction sites shall be enclosed with silt fencing supplemented with additional temporary fencing consisting of either chain link, safety barrier fencing of any color or wood slat (snow or sand) fencing properly supported with posts not less than every four feet that is not less than four feet in height and not to exceeding six feet in height, surrounding the perimeter of the construction site. The fencing shall not be installed within the municipal right-of-way.

- D. The abutting street and sidewalk shall be kept free from dirt, sand and other materials. If directed by the engineer or construction code official, a temporary stone tracking pad, a minimum of 12 feet wide and 15 feet long, must be installed from the curb onto the construction site. If directed by the engineer or construction code official, a temporary sidewalk shall be used when ground is excavated under public sidewalk.
- E. The abutting sidewalk shall be passable at all times during the period of construction.
- F. 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, garbage, debris, construction debris or which has uncontrolled obnoxious growth of vegetation in excess of eight inches in height;
 - (5) Structure or building in a state of dilapidation, deterioration, or decay, or faulty construction, open, vacant or abandoned;
 - (6) Excess dust on the site and adjacent properties;
 - (7) Accumulation of soil and/or stone piles exceeding 30 inches in height at any time, unless a waiver of that height limitation is explicitly granted in writing by the Borough Administrator based upon the limited area available on the site for the placement of piles. Piles of soil/stone are only permitted on-site during the excavation and construction of the foundation or installation, removal or replacement of any piping or utilities or drainage systems. Any soil/stone material that is brought to the site for landscaping purposes may only remain on-site while the landscaping work is being done.
 - (8) Construction equipment and tools idled and not in use for more than five days and building supplies not used within 20 days.
- G. 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 and all other unsafe or hazardous conditions that endanger life and health of public. All property shall be graded and maintained to prevent the accumulation of stagnant water thereon, or within any structure located thereon. All construction debris shall be stored in containers.
 - (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 Construction Official, 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 eight inches. All noxious weeds shall be prohibited.
- (6) All structures and exterior property shall be kept free from rodent infestation.
- (7) Parking of contractors' vehicles must be done according to the existing motor vehicle and parking laws and ordinances. Double parking on the public street is permitted for no longer than two hours for loading and unloading equipment or materials.
- (8) 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 within two weeks. Backfilling of removed foundations shall conform to the Uniform Construction Code Act. Soil piles in excess of two feet in height shall be removed or reduced within two weeks after foundation is completed.
- (9) 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. Material and equipment shall be delivered to the Construction Site no sooner than five days before the anticipated use. All material and equipment shall be removed within five days of completion of use. Any equipment not used for 10 consecutive days must be removed from the construction site.
- (10) Materials or equipment shall not be stored within five feet of a property line. Materials or equipment shall not be stored on the street or in the public right-of-way.
- (11) 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 25 feet of a street intersection, or so placed as to obstruct normal observation of traffic.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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.

(16) Use of generators prohibited; power generators.

- (a) Portable generators are prohibited on construction sites to provide electricity to the site.
- (b) Portable generator may be temporarily utilized in the event of emergent situation only after owner or contractor notifies Borough Construction Official and/or Borough Administrator of the emergent situation and obtains the Borough's permission to temporarily utilize the generator.

H. Adequate toilet facilities shall be provided at every construction site. All portable toilets shall be positioned at the rear of the property in a manner so the door accessing same is facing into the property. All portable toilets must be cleaned and serviced at least once every seven days. Should the property not have access to a lane, relief may be sought from the Borough Administrator. A survey will be required to be submitted with the proposed location of the toilet facilities indicated on the survey.

I. Construction is permitted during the following times:

(1) Commercial construction.

(a) Construction hours permitted.

[1] Monday through Friday: 8:00 a.m. to 5:00 p.m.

[2] Saturday: 9:00 a.m. to 5:00 p.m.

- (b) Except in the case of an emergency, no commercial construction shall take place on Sundays or on the public holidays of New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. Commercial construction is prohibited on Saturdays beginning the Saturday of Memorial Day weekend through the Saturday of Labor Day weekend. Interior spackling, sanding, staining or painting is permitted provided no power equipment is used.

(2) Property owner construction. (Primary Residence Only).

(a) Construction hours permitted.

[1] Monday through Friday: 8:00 a.m. to 7:00 p.m.

[2] Saturday: 9:00 a.m. to 5:00 p.m.

- (b) Except in the case of an emergency, no construction shall take place on Sundays or on the public holidays of New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.

J. Collection of garbage or trash by commercial collectors shall be done only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

K. The off-loading and on-loading of track vehicles in the street is permitted subject to the following conditions:

- (1) A permit must be obtained from the Administrator, DPW Supervisor or his designee prior to delivery of the vehicle to the site;
- (2) The fee for said permit shall be per Subsection 12-1.6;

- (3) The street area shall be protected with a cover consisting of a minimum 3/4 inch plywood sheets, rubber mats or some other similar material as to protect the roads, curbs and sidewalks.
- L. The dry cutting of stone and concrete is prohibited.
- M. All construction sites shall post on-site the following information: the block, lot and address of the property; the name, address and telephone number of the General Contractor and the rules and regulations for all construction sites distributed by the Borough Officials so as to be visible to all Borough officials and subcontractors in a weather-proof manner at all times.
- N. All excavations equal to or greater than five feet deep and five feet wide must include the installation of retaining wall to provide temporary support of soil and existing structures.
- (1) Any excavation within 10 feet of a structure or driveway throughout the project shall be supported in such a manner that no caving will result from the excavations and that no driveway, structure or public or private property outside the project limits will be damaged. A sloped area no larger than 15 feet in width may be left open at the front of the excavation to allow for equipment access into the excavation.
- (2) The property owner shall submit signed and sealed plans for the shoring, designed by an engineer licensed in the State of New Jersey and shall be included with the application for zoning approval.
- O. The requirement of Subsection N, the retaining wall of an excavation, shall be waived upon the submission of a written agreement, witnessed by a notary public licensed by the State of New Jersey, between the owner of the site upon which the construction will occur and the owners of properties adjacent to the side and rear setbacks of the site upon which the construction will occur. Said agreement must be submitted to the Zoning Official of the Borough prior to the commencement of any construction activity. The requirements of Subsection O shall remain in full force and effect if the written agreement(s) between all the parties is not submitted prior to the commencement of construction.
- P. All construction containers that will be stored on site shall be removed from the construction site when full and/or within 30 days of delivery whichever is sooner. All construction containers shall be registered with the Borough office.
- Q. At the time of application of construction permits, a construction schedule shall be provided which shall include the following information and deadlines:
- (1) Commencement date of demolition (if applicable).
- (2) Removal of demolition debris within (seven days of demolition).
- (3) Commencement date of excavation (within 20 days of removal of debris).
- (4) Completion date of excavation.
- (5) Completion of foundation.

(6) Framing, sheathing and roofing.

(7) Windows and siding.

R. An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of filing, unless such application has been diligently pursued.

SECTION II.

EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.