

ORDINANCE NO. 25 - 24

By: Sam Marcellino

AN ORDINANCE TO ADD CHAPTER 1478 TO THE CODIFIED ORDINANCES OF THE CITY OF BEXLEY, OHIO, ENTITLED "SECURING AND FENCING OF CONSTRUCTION SITES," TO REQUIRE THE SECURING AND FENCING OF BUILDING SITES DURING CONSTRUCTION ACTIVITIES

WHEREAS, the City of Bexley has a duty to ensure the safety and security of its residents and visitors; and

WHEREAS, construction sites pose potential hazards to unauthorized visitors, including but not limited to, the risk of injury from construction activities, open excavations, and construction materials; and

WHEREAS, the City of Bexley seeks to minimize these risks by mandating proper securing and fencing of building sites where new principal structures are being constructed or where basement excavation is taking place;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1.

That Chapter 1478 of the Codified Ordinances of the City of Bexley, Ohio, entitled "Securing and Fencing of Construction Sites," is hereby created and shall read as follows:

**CHAPTER 1478
SECURING AND FENCING OF CONSTRUCTION SITES**

1478.01 Definitions

For the purposes of this Chapter:

(a) "**Building Site**" shall refer to any property within the City of Bexley where construction activities involving the erection of a new principal structure or the excavation of a basement or crawl space are being undertaken.

(b) "**Construction Period**" shall refer to the time frame starting from the issuance of a building permit for the construction or excavation until time when all structures on the Building Site are

able to be secured from entry and when all basement or crawl space excavation projects are complete, enclosed, and secure.

1478.02 Fencing and Securing Requirement

(a) Mandatory Fencing

- (1) All Building Sites within the City of Bexley where a new principal structure is being constructed or where basement or crawl space excavation is to occur must be enclosed with a fence prior to the commencement of any excavation or construction activity, and throughout the Construction Period.
- (2) The fencing shall meet the following specifications:
 - (i) The fence shall be a minimum of six (6) feet in height.
 - (ii) The fence shall be constructed of durable materials that prevent easy climbing, such as chain-link, wood, or other approved materials.
 - (iii) The fence shall be securely fastened to the ground or other immovable structures to prevent displacement or unauthorized access.

(b) Securing the Site

- (1) In addition to fencing, Building Sites must be secured in the following manner:
 - (i) Gates or points of entry to the site shall be locked during non-working hours.
 - (ii) Signage indicating "No Trespassing" and "Authorized Personnel Only" shall be visibly posted at all access points.
 - (iii) All excavations, trenches, and similar hazards shall be covered or otherwise protected to prevent accidental entry.

1478.03 Compliance and Enforcement

(a) Inspections

- (1) The Building Department or its designee shall inspect the Building Site for compliance with this Chapter before excavation or construction begins and at regular intervals during the construction period.

(b) Non-Compliance and Penalties

- (1) If a Building Site is found to be non-compliant with the provisions of this Chapter, the City may issue a stop-work order until compliance is achieved, as well as applying penalties in accordance with 1430.99, in addition to any costs incurred by the City for securing the site.

1478.04 Exceptions to the Fencing and Securing Requirements

Exceptions may be granted by the Director of Building under specific circumstances where it can be demonstrated that the safety of the public will not be compromised.

Section 2.

That this ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Monique Lampke, President of Council

Attest: _____
Matt McPeek, Clerk of Council

Approved: _____, 2024

Mayor Ben Kessler

First Reading: August 27, 2024
Second Reading:
Third Reading: