

Chapter 15.54
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

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Section 15.54.010 Purpose.

The Village desires to establish requirements for construction and demolition debris recycling to encourage current recycling efforts and to support practices and procedures that promote sustainability.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.020 Scope.

This Chapter establishes the minimum requirements for the recycling and other disposition of debris resulting from certain construction activities.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.030 Rules of construction.

A. In the event any provision of this Chapter is in conflict with any provision of this Title, with any model code adopted and incorporated by reference in this Title, or with applicable statutes, the provision imposing the stricter regulation, as determined by the Director, shall prevail unless otherwise provided by law.

B. Words used in the singular shall include the plural and words used in the plural shall include the singular.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.040 Definitions.

A. Terms Defined in Other Ordinances and Codes. Unless they are otherwise defined in this Chapter, the terms defined in Title 15 of this Code, in the Zoning Ordinance, or in any other provision of this Code, including in any of the codes adopted by reference in Sections 15.08.010, 15.12.010 and 15.20.010 of this Code, shall have the same meanings when used in this Chapter.

B. Definitions. For purposes of this Chapter, certain words are defined, as follows:

"Applicant" means a person who applies to the Village for the applicable permits to undertake any covered project.

"Construction and demolition debris" means non-hazardous debris resulting from construction activities, including but not limited to cardboard, metal, brick, acoustical tile, concrete, plastic, clean wood, glass, gypsum wallboard, carpet and insulation, and debris processed into a recycled content commodity with an open market value such as wood derived fuel or alternative daily cover material. "Construction and demolition debris" does not include excavated soil or land-clearing debris.

"Covered project" means any construction activity within the Village that is not exempt under this Chapter, that requires either a construction permit or a demolition permit as provided in Chapters 15.32 and 15.52 of this Code, and that meets one or more of the following thresholds:

- (i) Construction of new structures of two thousand (2,000) square feet or more of gross floor area;
- (ii) Renovations of ten thousand (10,000) square feet or more of gross floor area; or
- (iii) Demolition of one thousand five hundred (1,500) square feet or more of gross floor area.

"Divert" and "Diversion" mean the recycling or other disposition of construction and demolition debris that avoids its disposal into a landfill.

"Inert debris" means those materials which are virtually inert, such as rock, brick, and concrete.

"Permit" means any building or demolition permit that is validly issued by the Village pursuant to this Title.

"Recycle" or "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting construction and demolition debris that would otherwise become solid waste, and returning them to the economic mainstream, and may include the salvage and reuse of such debris as part of the covered project.

"Renovation" means the improvement, alteration, repair, or reconstruction of an existing structure.

"Waste reduction and recycling plan" means a written plan for recycling of covered project construction and demolition debris prepared and submitted pursuant to Section 15.54.080 of this chapter in a form prescribed or approved by an authorized building officer.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.050 Applicability.

A. Covered Projects. This Chapter applies to all construction activities that are covered projects as defined in this Chapter, except as set forth in the following subsection B.

B. Exempt Work. Covered projects not subject to this Chapter. This Chapter shall not apply to construction activities in any of the following circumstances:

1. An immediate or emergency demolition is required to protect the public health, safety or welfare, as determined prior to such demolition by the Director; or
2. An exception is granted pursuant to Section 15.54.100 of this Chapter; or
3. A project has been issued a valid building permit or demolition permit prior to January 1, 2011.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.060 Conditions for permit and certificate approvals.

A. Building and Demolition Permits. In addition to meeting all conditions established in Chapters 15.32 and 15.52 of this Code for the approval and issuance of construction and demolition permits, any person who applies for a construction or demolition permit for any construction activity that is also a covered project under this Chapter, shall also comply with all provisions of this Chapter as a condition of approval for such construction or demolition permit, unless the covered work is otherwise exempt, as provided in Section 15.54.050(B) of this Chapter.

B. Certificates of Occupancy. In addition to meeting all conditions established in Chapter 15.36 of this Code for the approval and issuance of a certificate of occupancy, any person who obtains a building permit for any work that is also a covered project under this Chapter, shall also comply with all provisions of this Chapter as a condition of the final approval and acceptance of such work and the issuance of a certificate of occupancy for such construction as provided in said Chapter 15.36.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.070 Construction and demolition debris diversion requirements.

A. Diversion from Landfill Waste Required. Construction and demolition debris shall be diverted from the landfill waste stream for recycling at the rates, measured by weight, set forth in the following subsections B and C.

B. Initial Diversion Requirements. For all covered projects for which a building or demolition permit application is submitted on or after January 1, 2011, at least fifty percent (50%) of construction and demolition debris shall be recycled in accordance with a waste reduction and recycling plan that complies with Section 15.54.080 of this chapter.

C. Subsequent Diversion Requirements. For all covered projects for which a building or demolition permit application is submitted on or after January 1, 2012, at least seventy-five percent (75%) of construction and demolition debris shall be recycled in accordance with a waste reduction and recycling plan that complies with Section 15.54.080 of this chapter.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.080 Waste reduction and recycling plan.

A. Waste Reduction and Recycling Plan Required. For covered projects, prior to issuance of a building or demolition permit, the applicant shall complete and submit to the department a waste reduction and recycling plan on a form provided by the department. No building or demolition permit will be issued for a covered project unless and until the Director has reviewed and approved the project's waste reduction and recycling plan.

B. Contents of Plan. The waste reduction and recycling plan shall include the information specified in the following paragraphs. Where an applicant is unable to ascertain all of the required facts, the applicant shall provide the best estimate based on all information reasonably available about the covered project.

1. Identification of materials to be diverted from disposal to recycling;
2. A description of whether and to what extent materials will be separated on-site or co-mingled;
3. The estimated weight of construction and demolition debris, divided between inert debris and other debris;
4. The estimated weight of the inert and other construction and demolition debris that can be diverted from disposal to recycling;
5. The estimated weight of the inert and other construction and demolition debris that will be disposed of as solid waste;
6. The identification of the vendors or facilities that will collect or receive the construction or demolition debris, and such information as the Director may require demonstrating that the vendor or facility will recycle all construction and demolition debris collected or received for that purpose from the covered project;
7. The estimated date on which demolition and/or construction is to commence;
8. Agreement by the general contractor for the covered project to comply with all of the terms of the waste reduction and recycling plan and this Chapter; and
9. Such other information as the Director may require in order to determine that the proposed plan complies with this Chapter.

C. Criteria for Plan Approval. A waste reduction and recycling plan shall be approved only if the Director determines that:

1. The plan contains all of the information required by this Chapter; and

2. The plan demonstrates compliance with the requirements of this Chapter.

D. **Actions for Incomplete or Disapproved Plans.** If the Director determines that the waste reduction and recycling plan is incomplete or fails to satisfy the applicable conditions of this Chapter, the Director may take one of the following actions:

1. Return the waste reduction and recycling plan to the applicant marked "Disapproved," including a statement of reasons for disapproval; or

2. Return the waste reduction and recycling plan to the applicant marked "Further Explanation Required," including a statement of areas requiring additional information.

E. **Plan Amendment Procedure.** An approved waste reduction and recycling plan may not be amended without the prior written approval of the Director.

F. **Plan Addendum or Revision Required.** If at any time the Director determines that the contents of an approved plan are no longer accurate, the Director may require that the applicant submit an addendum or revision to the plan with such information as may be required by the Director.

G. **Plan Review Fee.** The fee for reviewing the waste reduction and compliance plan shall be set by resolution of the Village Council.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.090 Reporting requirements; compliance report.

A. **Compliance Report Required.** Not less than five (5) business days prior to the scheduled date for the final inspection of a covered project, the owner shall file a compliance report on a form provided by the department.

B. **Contents of Compliance Report.** The compliance report shall include the following information:

1. The dates demolition and/or construction actually commenced;

2. The actual weight of construction and demolition debris, divided between inert debris and other debris;

3. The actual weight of inert and other construction and demolition debris that was diverted;

4. A specification of the method used to determine the weight;

5. Original receipts from all vendors and facilities which collected or received construction and demolition debris, indicating actual weights received by each; and

6. Certifications from the general contractor and any vendor or facility that handled construction and demolition debris stating the extent to which the project complies with the requirements of this Chapter; and

7. Such other information as the Director may require to determine compliance with the construction and demolition debris recycling plan.

C. **Additional Reports.** The Director may impose such additional reporting requirements as may be necessary to determine compliance with the construction and demolition debris recycling plan.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.100 Exception procedure.

A. **Requests for Exceptions.** Any person seeking a partial or complete exception granting relief from the requirements of this Chapter shall file an application for such exception with the Department, using a form provided by the Department.

B. **Application for Exception.** The application for an exception shall include, in addition to such other information as the Department may require, a statement from a licensed professional engineer certifying that compliance with this Chapter is impracticable due to exceptional or extraordinary circumstances or conditions applicable to the covered project.

C. Standards for Granting Exceptions. The Director may grant the exception, in whole or in part, only if the Director finds all of the following:

1. That strict compliance with all of the provisions of this Chapter is not reasonably practicable due to the existence of exceptional or extraordinary circumstances or conditions that affect the covered project but do not apply generally to similar covered projects;
2. That granting an exception will not constitute a grant of special privilege inconsistent with limitations imposed on similar covered projects; and
3. That the cost to the owner of strict compliance with this Chapter is not the primary reason for granting the exception.

D. Authority of the Director.

1. The Director is authorized to grant an exception, in whole or in part, if he or she determines that the owner has met all of the standards for an exception and that granting the exception, in whole or in part, is necessary to provide reasonably adequate relief from the strict application of the requirements of this Chapter.

2. The Director shall not grant a full exception from all of the requirements of this Chapter if, in the exercise of his professional judgment, he determines that a partial exception will provide reasonably adequate relief from the strict application of the requirements of this Chapter.

3. The Director shall deny any application for exceptions that does not meet all of the standards.

4. All decisions of the Director to grant or deny an application for an exception, whether in whole or in part, shall be issued in writing. The decision shall be issued in a written letter or notice to the owner and shall state (i) whether the exception is granted or denied, in whole or in part; and (ii) the reasons for granting or denying the exception.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.110 Inspections, inquiries and audits.

In addition to permit inspections authorized pursuant to Chapter 15.32 of this Code, the Director and any other duly authorized building officer may make any and all other or additional inspections, inquiries and audits as the Director finds necessary to determine compliance with this Chapter.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.120 Compliance deposit.

A. Deposit Required. To ensure compliance with the requirements established in this Chapter, the owner shall pay a deposit to the Village in an amount set from time to time by resolution of the Village Council. The deposit shall be paid at the time the building or demolition permit for the covered work is issued.

B. Deposit Refund. Upon determining that the covered work has been completed in full compliance with all applicable requirements of this Chapter, the deposit shall be refunded.

C. Deposit Retention. If the Director determines that the covered work has not been performed in full compliance with all applicable requirements of this Chapter, the owner shall not be entitled to a refund of the deposit and the deposit shall be retained by the Village.

(MC-5-2010, § 2, 10/19/2010)

Section 15.54.130 Appeals.

Any person aggrieved by any decision by the Director under the provisions of this Chapter with respect to approving or to denying a waste reduction and recycling plan, or with respect to granting or denying an application for an exception from compliance with this Chapter, may file an appeal as provided in Chapter 15.72 of this Code.

