

Model Recycling Ordinance for Construction, Renovation, and Demolition Material

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Definitions

Construction - means the construction of new buildings and additions to existing buildings for which a building permit is required.

Renovation - means the alteration of an existing building for which a building permit is required.

Demolition - means the complete removal of an existing building for which a demolition permit is required.

Covered project- means a construction, renovation, or demolition project for which a building permit or a demolition permit is required

Debris - materials that are currently designated in the Warren County Solid Waste Management Plan that may be part of a construction, renovation, or demolition project. Materials include but not limited to asphalt-based roofing shingles, concrete blocks, bricks, cinder blocks, wallboard, carpeting, padding, insulation, fluorescent tubes, non-treated wood, appliances such as washers, dryers, refrigerators, shelving, file cabinets, other heavy iron, source separated scrap metal, etc.

Construction, Renovation and Demolition Debris Recovery Plan

- A. A. debris recovery plan shall be filed with the municipal recycling coordinator prior to the commencement of any activity for which municipal approval as further identified above. The debris recovery plan shall identify the types and estimated quantities of construction and demolition debris to be generated from the project, how each material will be managed, and the name of each facility or service provider that the entity will use to manage each material. For new construction and additions, the plan shall further detail how the applicant shall ensure that a minimum of 50% of the materials to be generated will be separated and recycled. For renovations of over _____ sq.ft. in size, or _____ estimated construction cost, the plan shall further detail how the applicant shall

ensure that a minimum of 25% of the materials to be generated will be separated and recycled . For demolition projects of over _____ sq.ft. in size or _____ volume of material, the plan shall further detail how the applicant shall ensure that a minimum of 10% of the materials to be generated will be separated and recycled

- B. A \$100 deposit shall be made with the municipality upon filing of the Debris Recovery Plan. The deposit shall be returned to the applicant upon satisfactory completion and documentation as required below.

Review of Debris Recovery Plan

- A. Approval: A debris recovery plan shall be reviewed by the municipal recycling coordinator and building permit officer, and approved if it provides for all of the information required by this Ordinance. An approved debris recovery plan shall be marked “Approved” and returned to the owner of the entity which submitted the plan.
- B. Denial: A debris recovery plan shall not be approved if it does not provide all of the information required by this Ordinance. If a debris recovery plan is not approved, the owner of the entity which submitted the plan, shall be notified in writing that the plan has been rejected, including the reasons for the rejection. In order to obtain the building or demolition permit sought, the owner of the entity which will carry out the construction, renovation, or demolition project shall make the required changes and resubmit the debris recovery plan to the municipal recycling coordinator.

Diversion requirement adjustment

- A. Application: If the owner of an entity carrying out a covered project experiences circumstances that makes it infeasible to comply with the diversion requirement cited in this Ordinance, the owner of the entity may apply for an adjustment. The owner shall indicate in writing why it is infeasible to divert required percentage of the materials being generated from the covered project and specify what percentage of diversion could be achieved. Increased costs to the owner of the entity carrying out the covered project will not be an acceptable justification for an adjustment.
- B. Review: The municipal recycling coordinator shall review the information supplied by the owner. If warranted the municipal recycling coordinator shall attempt to contact the owner to discuss possible ways of meeting the diversion requirement.
- C. Granting of an adjustment: If the municipal recycling coordinator determines that it is infeasible for the entity carrying out a covered project to divert the required percentage of the generated C&D debris from the covered project, the percent of

diversion required shall be adjusted. The owner shall be notified in writing of the adjusted diversion requirement. The owner of the entity carrying out the covered project shall be required to divert the percent of C&D debris required by the adjustment.

- D. Denial of adjustment: If the municipal recycling coordinator determines that it is feasible for the owner of an entity carrying out a covered project to meet the diversion requirement cited in this Ordinance, the owner shall be notified in writing of the denial of the diversion requirement adjustment.

Debris recover plan reporting requirements

Documentation: Upon completion of the covered project, but before the final inspection, the owner of the entity carrying out a covered project shall submit in person or by certified mail to the municipal recycling coordinator, the documentation required to demonstrate that the applicant has met the diversion requirement. The required documentation shall include the following:

- 1) A completed debris recovery report, signed by the owner of the entity carrying out a covered project, indicating the quantity of each material generated during the covered project diverted or disposed,
- 2) Receipts from all facilities or service providers utilized to divert and dispose materials generated during the covered project, and
- 3) Any additional information that the owner of the entity carrying out the covered project believes is relevant to determining compliance with the diversion requirement.

Compliance with diversion requirement

The municipal recycling coordinator shall review the information submitted pursuant to this Ordinance and determine whether the owner of the entity carrying out the covered project has complied, or failed to comply with the diversion requirement. The determination regarding compliance will be provided to the owner of the entity carrying out the covered project in writing.

Appeal

An owner of the entity carrying out the covered project may appeal a determination of failure to comply under this Ordinance to the municipality within 30 days of the decision or determination. The appeal shall be in writing and shall state the facts and basis for the appeal. A decision by the (department where appeal is to be filed) shall be final.

Enforcement

The municipal Board of Health, the Recycling Coordinator, the zoning officer, the building inspector, the housing officer, or other code enforcement officer, the police department, and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. The respective enforcing official may, in his or her discretion, post warning stickers for a first offense. An inspection may consist of dumping and opening of solid waste bags or containers to detect, by sound or sight, the presence of any recyclable material.

Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1000.

Severability; Effective Date

If it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately.