



CONSTRUCTION & DEMOLITION MATERIAL – SALVAGE, RECYCLING, AND DECONSTRUCTION CODES
Final Version (V15.0)

XX.100 REUSE AND RECYCLING OF BUILDING MATERIALS

Sec. 1. Title.

- A. This article shall be known as the Diversion of Building Materials From Landfills Ordinance of [Jurisdiction].

Sec. 2. Purpose.

- A. The purpose of this ordinance is to increase the *reuse* and *recycling* of construction and *demolition* materials.

Sec. 3. Definitions.

- A. Unless otherwise expressly stated, for the purposes of this code, the following words and terms shall have the meanings shown in this section:
1. **Banned Materials:** Materials banned from *disposal* in landfills by King County construction and *demolition* receiving facilities, as identified by King County Code 10.30.020.G.
 2. **Beneficial Use.** The use of solid waste as an effective substitute for natural or commercial products in a manner that does not pose a threat to human health or the environment.
 3. **“Certified Deconstruction Contractor”** A licensed contractor having at least one current employee who has successfully completed a *deconstruction* certification program recognized by King County.
 4. **Certified salvage verifier.** An independent person, company or agency approved by the King County Solid Waste Division, or designee, deemed capable to prepare a *deconstruction and salvage assessment*.
 5. **“Deconstruction”** means the systematic disassembly of a structure, in order to *salvage* building materials or components for the primary purpose of *reusing materials to the maximum extent possible, with a secondary purpose of recycling the remaining materials*. Heavy machinery may be used in the *deconstruction* process.

- 6. Deconstruction and salvage assessment.** A document summarizing the building components of an existing building that, if removed, have potential to be *reused*. This assessment shall be signed by the owner or authorized agent and serve as an affidavit stating that the project shall be executed in compliance with the requirements of this code.
- 7. Demolition.** The process of razing, relocating, or removing an existing building or structure, or a portion thereof.
- 8. Disposal.** The discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.
- 9. Divert, Diverted, or Diversion.** The *reuse, recycling, or beneficial use* of construction and *demolition* materials.
- 10. Mixed construction and demolition waste.** Construction and *demolition* waste containing both *recyclable* and nonrecyclable construction and *demolition* waste material that has not been separated.
- 11. Recycling.** The process of transforming or remanufacturing waste materials into useable or marketable materials for use other than landfill *disposal* or incineration. This does not include combustion of solid waste or preparation of a fuel from solid waste.
- 12. Reuse.** The return of a commodity into the economic stream for use.
- 13. Salvage.** The recovery of construction and *demolition* building material and components from a building or building site in order to increase the *reuse* or repurpose potential of these materials and decrease the amount of material being sent to the landfill. *Salvaged* material may be sold, donated, or *reused* on site.

Sec. 4. Applicability.

- A.** Permitted projects that generate construction or *demolition* material with a work area greater than 750 square feet or project value greater than \$75,000 shall comply with the requirements of this code.

Exception: Buildings deemed unsafe by the Director in accordance with the International Residential Code.

Sec. 5. Diversion Requirement.

- A.** All *banned materials* shall be diverted from *disposal* per King County Code 10.30.020.
- B.** *Mixed construction and demolition waste* shall be sent to a material recovery facility (MRF) designated under King County Code 10.30.020.

[Optional Section] C. *A minimum of 85%, by weight, of construction and demolition material generated at a building site shall be diverted from the landfill.*

Sec. 6. Documents to be Submitted to the [Local Building Department]

A. At application, the owner or authorized agent shall submit one or more of the following documents:

1. *Deconstruction and salvage assessment.*

Exception: Projects that include only new construction.

2. A statement of compliance with either the regulations of the Puget Sound Clean Air Agency regarding asbestos identification, notification, and abatement; or the Washington Department of Labor and Industries asbestos project notice of intent.

B. Prior to Certificate of Occupancy or permit final, the owner or authorized agent shall submit a completed waste diversion report to [jurisdiction name] along with the following documentation:

Exception: Where shared construction and *demolition* collection containers are used by 2 or more permitted projects, a final waste diversion report may be substituted for periodic waste diversion reports on a submittal schedule determined by the Director.

1. Receipts for Materials taken to be recycled or landfilled. Receipts shall be provided for construction and *demolition* material that was *recycled* or disposed at each designated facility that received material for processing or transfer, and shall include the following information:

- a. The weight of each load,
- b. Whether the material was disposed in a landfill or *diverted for reuse, recycling, or beneficial use*,
- c. Permit number or site address, and
- d. The date materials were accepted by the receiving facility.

2. Receipts for Materials that were Salvaged. Receipts shall be submitted for construction and *demolition* material that was *salvaged for reuse*:

- a. The weights or quantity of each material,
- b. Permit number or site address
- c. The receiving location, and
- d. The date materials were accepted at the receiving location.

Exception: When a receipt cannot be obtained, a signed statement from the receiving location and photo documentation shall be provided.

If the receipt provides information for multiple projects, the permit number or address and the amount of material for each project must be clearly identified.

3. Any additional information needed to support claims of compliance.

4. When the required documentation is not able to be provided, a notarized affidavit of compliance may be allowed as proof of diversion.

C [Optional] *The [Local Building Department] shall review the documentation required in Section 6 to determine compliance.*

Sec. 7. Building Site Requirements.

- A. Building sites shall have at least one clearly identified collection container for *recyclable* materials that will be sent to a designated processing facility per King County Code 10.30.030, and a separate bin for waste that will be sent to a landfill per WAC 173-345-040.

Sec. 8. Inspection Authority.

- A. [City/Town] and King County shall have inspection authority in accordance with the International Residential Code.

Sec. 9. Enforcement.

- A. The Director may impose penalties for the misrepresentation of information, evidence, or failure to comply with the requirements of this Chapter in accordance with Title 23 of the King County Code.

- B. The Director will report to King County or designee any *certified salvage verifier* for misrepresenting information provided in the *deconstruction and salvage assessment*.

The [Local Building Department] shall not take enforcement actions under this section for one year after the effective date of this section.

Sec. 10. Rules and regulations.

- A. The [Local Building Department] is authorized to make all necessary and reasonable rules and regulations with respect to the enforcement of this article. All such rules and regulations shall be consistent with the provisions of this article.

XX.105 EXTERIOR STRUCTURE LEAD REMOVAL (Optional)

Sec. 1. Applicability.

- A. Existing structures permitted to be demolished meeting the applicability parameters of XX.100, Section 4, that also meets the following condition, shall comply with the requirements of this Chapter:

1. Any structure built prior to 1978 according to King County Assessor records or building permit records on file with the [Local Building Department].

Commented [PK1]: Note to Jurisdictions: Insert applicable County/Agency

Sec. 2. Requirements.

- A. All exterior lead-coated or lead-containing materials, including siding, shall be removed and disposed under the evaluation of a Certified Renovator, as recognized by the United States Environmental Protection Agency (USEPA).

Exceptions: The project may be exempt from the requirements of XX.105, Section 2.A if one of the following can be demonstrated:

1. Proof is provided to [the jurisdiction] that all exterior lead-coated or lead containing materials have been removed by a USEPA Certified Renovator; or
2. Proof is provided to the jurisdiction that the structure exterior does not contain lead-coated or lead-containing materials.

Sec. 3. Documents to be Submitted to the [Local Building Department]

- A. At permit application, the owner or authorized agent shall submit a lead removal form identifying how any lead removal will meet the requirements of this chapter.

[Title]

XX.110 DECONSTRUCTION

Sec. 1. Authority of Director.

- A. The Director may temporarily suspend or modify the requirements of this Chapter based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances.

Sec. 2. Applicability.

- A. Existing structures meeting the applicability parameters of XX.100, Section 4, that also meet one or more of the following conditions, shall comply with the requirements of this Chapter:
 - 1. Primary single family, duplex, or townhouse structures that have been designated as a historic structure per [King County Code 16.03.170 or other local designation]; or
 - 2. Primary single family, duplex, or townhouse structures built prior to 1940 according to building permit records on file with the [Local Building Department].

Exception: King County Tax Assessor Records may be used to identify the original building construction date if permit records do not exist.

Sec. 3. Requirements.

- A. Structures meeting the applicability parameters of XX.110, Section 2.A shall be *deconstructed* in accordance with the provisions of this Chapter and associated administrative rules.
- B. Structures meeting the applicability parameters of XX.110, Section 2.A shall comply with the requirements of, and will be subject to, the provisions of XX.100.
- C. *Deconstruction* work shall be performed by a *certified deconstruction contractor* who shall comply with the requirements of this Chapter and associated administrative rules. The [Local Building Department] will make available to the public a list of current *certified deconstruction contractors*.
- D. Heavy machinery may not be used in *deconstruction* to remove or dismantle components of buildings in ways that render building components unsuitable for *salvage*. For purposes of this Chapter, heavy machinery includes, but is not limited to, track hoes, excavators, skid steer loaders, or forklifts.

Sec. 4. Exemptions.

- A. **Exemptions.** The following are exempt from the requirements of this Chapter:
 - 1. A building permit to move a structure.
 - 2. Any primary single family, duplex, or townhouse dwelling structure the Director has determined to be unsuitable for *deconstruction* due to one or more of the following reasons:
 - a. The structure is structurally unsafe or is otherwise hazardous to human life; or
 - b. The *certified salvage verifier* determines that 50 percent, by weight, of the material in the structure that is not concrete, is not suitable for *reuse*.

B. Request for an Exemption. If the project meets one of the conditions identified in Section 4.A, when submitting a *demolition* permit application, the owner or authorized agent may request an exemption from the requirements of this Chapter by also submitting a written request for exemption, together with supporting evidence.

C. Determination of an Exemption. The Director will make the final determination of exemption based on the submitted *deconstruction and salvage assessment*, any additional evidence submitted by the applicant, and a building inspection to confirm conditions and unsuitability. The *demolition* permit will not be issued until the final determination is made on the exemption request. Should the applicant disagree with the final determination the determination may be appealed by the applicant under Section 7.

Sec. 5. Enforcement and Penalties

A. The Director may impose penalties in the following situations:

- 1.** The misrepresentation of information, evidence, or failure to comply with the requirements of this Chapter in accordance with Title 23 of the King County Code.
- 2.** Heavy Machinery.
 - a.** As outlined in Section 3.D, improper use of heavy machinery in violation of this Chapter may be subject to a penalty of up to \$10,000.
 - b.** Any person receiving a notice of violation shall, within [14 days] of issuance of the notice, either pay to [Jurisdiction] the stated amount of the penalty or request an appeal as provided in Section 7.
- 3.** The Director will report to King County, or designee, any *certified deconstruction contractor's* failure to comply with the requirements of this Chapter.

B. If the Director assesses an enforcement penalty as described in this Section, the [Local Building Department] will notify the property owner of the violation.

C. The Director shall issue a stop work order in accordance with the International Residential Code when work on the building is being executed in an unsafe or dangerous manner.

Sec. 6. Inspections. [City/Town] and King County shall have inspection authority in accordance with the International Residential Code.

Sec. 7. Right of Appeal

A. Whenever the owner or authorized agent has been given a written notice or order pursuant to this Chapter or has been directed to make any correction, pay a penalty or to perform any act and the responsible party believes the finding of the notice or order was in error, the responsible party may have the notice or order reviewed by the Director. If a review is sought, the responsible party will submit a written request to the Director within [14 days] of the date of the notice or order. Such review will be conducted by the Director. The responsible party requesting such review will be given the opportunity to present evidence to the Director. Following a review, the Director will issue a written determination. Nothing in this Section shall limit the authority of the Director to initiate a code enforcement proceeding under Title 23.

B. The owner or authorized agent may appeal the Director's written determination to the [Code Hearings Officer]. The filing of an appeal request will remain the effective date of a penalty until the appeal is determined by the [Code Hearings Officer]. If, pursuant to said appeal hearing, payment of a penalty is ordered, such payment must be received by the Director or postmarked within 15 calendar days after the order becomes final.