

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

PRESENTED October 7, 2008

Creating Section 10.185 of the Madison General Ordinances to require recycling of construction and demolition site waste.

REFERRED Solid Waste Advisory Committee, Commission on Environment, Plan Comm.

RULES SUSPENSION _____
PUBLIC HEARING _____

Drafted by: James Voss

Date: October 8, 2008

SPONSORS: Aids. Gruber & Palm

DRAFTER’S ANALYSIS: This ordinance requires recycling of construction and demolition site waste by persons who obtain City of Madison building, plumbing, electrical, HVAC and demolition permits for certain construction, remodeling/rehabilitation and demolition projects.

The Common Council of the City of Madison do hereby ordain as follows:

Creating Section 10.185 entitled “Construction and Demolition Site Waste Recycling” of the Madison General Ordinances is created to read as follows:

“10.185 CONSTRUCTION AND DEMOLITION SITE WASTE RECYCLING.

(1) Definitions.

- (a) The terms “owner” and “person” have the meanings ascribed to those terms in Sec. 29.03, MGO, and apply to persons who obtain building, plumbing, electrical, HVAC and demolition permits required under Madison General Ordinances.
- (b) “Construction and demolition debris” means materials resulting from the construction, remodeling, repair and demolition of utilities, structures, buildings, and roads, including but not limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; aluminum and vinyl siding; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics; electrical wiring, and piping or metals incidental to any of those materials blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials, but does not include materials that are contaminated by lead, asbestos, or other hazardous materials in such a way as to render recycling illegal or impossible.
- (c) “Recycle” means any process by which construction and demolition debris that would otherwise become municipal waste is collected, separated or processed and diverted from final disposal as solid waste at a permitted landfill in the form of raw materials for new, reused or reconstituted products, and the recovery of materials for energy production processes.
- (d) “Recycler” means a recycling facility, transfer station or other waste handling facility approved by the Street Superintendent or his/her designee which accepts construction and demolition debris for recycling or for further transfer to a recycling facility.
- (e) “Reuse” means (i) the on-site use of reprocessed construction and demolition debris including bricks, concrete, other masonry materials, soil, and rock used as fill, if such on-site use is authorized in writing by the Street Superintendent or his/her designee; and (ii) the off-site redistribution of a material which would otherwise be disposed of, for use in the same or similar form as it was produced.

Approved as to form:

- (2) Any project subject to this section shall be required to recycle or reuse construction or demolition debris produced on site as part of construction or demolition permit activities by meeting the following requirements:
 - a. The owner on a project that is issued a permit with an application date on or after January 1, 2009, but before January 1, 2010, shall cause to be recycled or reused at least fifty percent (50%) of construction and demolition debris produced on site, as measured by weight.
 - b. The owner on a project that is issued a permit with an application date on or after January 1, 2010, shall cause to be recycled or reused at least seventy five percent (75%) of construction and demolition debris produced on site, as measured by weight.
- (3) The following projects are subject to this section:
 - a. Construction of any new residential building.
 - b. Construction of a new non-residential building, other than projects for which the total square footage is one thousand (1,000) square feet or less.
 - c. Any remodeling or rehabilitation of a building costing more than two thousand dollars (\$2,000).
 - d. Demolition of any residential building.
 - e. Demolition of a non-residential building, other than projects for which the total square footage is one thousand (1,000) square feet or less.
- (4) The following projects are exempt from this section:
 - a. A project that only requires a plumbing permit, only an electrical permit or only an HVAC mechanical permit.
 - b. A roofing project that does not include the tear-off of the existing roofing materials.
 - c. A project for which compliance under this section is waived by the Street Superintendent or his/her designee.
 - d. A project for which a building permit or demolition permit is not required.
- (5) Certification of compliance and enforcement.

Within thirty (30) days of completion of a project enumerated in subsection (3), the owner shall submit documentation as described herein to report compliance with this section and regulations promulgated thereunder. Documentation shall be in a form prescribed by the Street Superintendent and consist of sworn and notarized affidavits from the owner or owner's agent and the waste-hauler or recycler for the project certifying the extent to which the project complies with subsection (2). The documentation shall include weight tickets from recycling facilities and landfills, or copies thereof.

 - a. An owner who fails to submit the required documentation as provided herein shall be subject to the full amount of the forfeitures specified in this section as if no amount of construction and demolition debris was recycled or reused.
 - b. An owner must comply with all reasonable requests for information and documentation made by the Street Superintendent pursuant to an audit to monitor compliance with this section. Documentation required by this section must be maintained for at least three years.
 - c. Any person who falsely states that a project has met the requirements of this section, or submits an affidavit with such a false statement, or fails to comply with a reasonable request made pursuant to an audit or request for information and documentation under this section, shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (6) The Street Superintendent may promulgate such rules and regulations as necessary to implement the provisions of this section.
- (7) Owners who fail to meet the recycling percentages required in subsection (2) shall be subject to the following forfeitures:
 - a. For construction projects or demolitions involving ten thousand (10,000) square feet or more of renovated, newly constructed, or demolished space, one thousand dollars (\$1,000) for each percentage point of difference between the amount required by this section to be recycled or reused and the amount actually recycled or reused; and
 - b. For construction projects or demolitions involving less than ten thousand (10,000) square feet of renovated, newly constructed, or demolished space, five hundred dollars (\$500) for each percentage point of difference between the amount required by this section to be recycled or reused and the amount actually recycled or reused."