

A Resolution Concerning the Disposal of Construction and Demolition Waste Products
June 6th, 2019

Introduction

Whereas the Village of Montour Falls seeks to promote the responsible disposal of construction and demolition waste products created as a result of projects within the Village, and;

Whereas the recycling and reuse of ‘waste’ products from construction and demolition projects within the Village are in line with the Village’s stated goals to reduce waste and promote sustainability, as affirmed in the Climate Smart Communities Pledge Resolution, passed by the Village Board on June 21, 2018, and;

The Village hereby votes to adopt the following resolution in order to reduce waste from construction and demolition projects and promote the reuse and recycling of such waste products within the Village:

Definitions

Building Permit and Building Permit Application shall herein refer to a permit issued for construction projects within the Village, and the application for same, as defined in Chapter 62, Sections 2-4 of the Code of the Village of Montour Falls.

Construction Projects shall herein mean any construction or building project for which a building permit may be issued, pursuant to Chapter 62, Section 4 of the Code of the Village of Montour Falls.

Demolition Projects shall refer to any demolition or deconstruction project for which a demolition permit may be issued, pursuant to Chapter 75, Section 3 of the Code of the Village of Montour Falls.

Demolition Permit and Demolition Permit Application shall refer to a permit filled out specifically for a demolition project, and the application for same, as delineated in Chapter 75, Section 4 of the Code of the Village of Montour Falls.

“Waste Products” or “Waste Materials” shall refer to byproducts or other refuse materials created as a result of construction or demolition processes, such as brick, stone, wood, metal scraps including screws or other fasteners, electrical components, glass, building components including doors and other whole elements, porcelain elements, pipes and plumbing, or other such materials; “waste materials” shall NOT refer to hazardous materials, such as lead, asbestos, or other materials, the disposal provisions for which are separately delineated in relevant State and Local Codes.

“Hazardous Materials” shall refer to the specific subclass of construction and demolition project byproduct, such as lead and asbestos, the disposal provisions for which are separately delineated in various local and state codes.

“Recycling” or “Recycling Center” shall refer to the process of making waste materials available for the creation of future materials; or a relevant center, agency, or other organization that is concerned with the process of recycling defined herein.

“Reuse” or “Reuse Center” shall refer to the process or processes of using a whole element or fixing a partially whole element, created by or salvaged from one construction or demolition project, and used in another; or a relevant center, agency, or other organization that is concerned with the reuse of such materials defined herein.

Fee Schedule shall refer to the appropriate fees levied by the Village on those applying for building and/or demolition permits, pursuant to the relevant sections of the Village Code.

Specific Actions

- i. The Village hereby amends the existing Building Permit to add the following provision:
 - a. On the page bearing the heading “Additional Requirements,” adding a requirement for the filer to outline the processes by which construction waste will be disposed of. See attached permit application.
 - b. References to ‘Demolition’ are hereby stricken to reflect the creation of the Demolition Permit.
- ii. The Village hereby adopts the newly created Demolition Permit, which is attached to this resolution, which requires filers to provide information as delineated in Chapter 75, Section 4 of the Code of Montour Falls.
 - a. The Demolition Permit Application and Demolition Permit will have the fee schedule as adopted by the Village of Montour Falls.
- iii. The Village will amend the Demolition Permit Fee Schedule in the following ways:
 - a. All applicants will be eligible for a 50% reduction in their permit fee if they submit a an additional plan detailing their plans to recycle and/or reuse 50% of the waste materials from the demolition project for which they are applying for a permit.
 - b. Pursuant to their responsibilities as described in Chapter 62, Section 3, and Chapter 75, Section 4, of the Village Code, the Code Officer will be responsible for reviewing submitted recycling and/or reuse plans to assess their feasibility, completeness, and responsible for their ultimate approval; the Code Officer is also responsible for ensuring compliance with the submitted permit.
 - c. Once approved, the fee reduction will be applied by the relevant Village staff who are normally tasked with handling such fees.
 - d. The Fee Schedule for the Village of Montour Falls will be edited where necessary to reflect these changes.

- iv. The Village adopts the following internal policies regarding construction and demolition project waste materials from projects carried out by the Village Department of Public Works.
 - a. Where applicable, the Village DPW will seek to recycle and/or reuse as much construction, demolition, or other project waste as is feasible given project budgets, staff time, and estimated project completion time.
 - b. The Village DPW will explore strategies to reduce construction and demolition waste where possible, as well as possible strategies for waste material recycling and reuse; such strategies may involve partnership with an outside organization for the removal, recycling, and/or reuse of waste materials. The Village DPW shall have the authority to explore such options, and the final authority for granting such partnerships shall lie with the Village Board.
 - c. The Superintendent of the Village DPW, or their appropriately designated foreman, shall have final say in assessing whether, and to what extent, the recycling and reuse is feasible for a given project.
- v. The Village votes to begin the Local Law Process in order to amend the relevant sections of the Code of the Village of Montour Falls as described below.

Proposed Amendments to the Village Code

In order to reflect the Village’s commitment to promoting the reuse and recycling of applicable construction and demolition project waste materials, the Village hereby votes to begin the process to amend the Code of the Village of Montour Falls in the following ways:

- i. Chapter 62 – Building Construction and Fire Prevention
 - a. Section 4 – Building Permits
 - i. Subsection D – Applications for Building Permits
 - 1. Paragraph (1) – AMEND as follows:
 - 2. “A description of the proposed work, including provisions for the responsible removal of any waste materials (see below);”
 - ii. RENAME Subsection K and L, as L and M, respectively
 - iii. ADD NEW Subsection K to read as follows:
 - 1. “Recycling and Reuse of Construction Project Waste Materials. Any application for a Building Permit must contain provisions for the diversion of at least 25%, as appropriately estimated, of construction project waste materials from a landfill, or similar, to appropriate recycling or reuse processes or centers.
 - 2. ADD NEW Paragraph (1) to Subsection K
 - a. Project waste here shall only mean feasibly recycled or reused materials, and shall not mean, for instance, unusable including rotting or otherwise corrupted materials, or hazardous materials including lead, asbestos, or other hazardous materials.
 - 3. ADD NEW Paragraph (2) to Subsection K
 - a. Recycling or Reuse here shall include, for instance, the reuse of materials by the original filer, selling waste

materials to an appropriate reuse or recycling center, or other efforts made to recycle or reuse construction waste materials.

4. ADD NEW Paragraph (3) to Subsection K

- a. The Code Officer retains discretion in determining feasibility, project scope, cost, and other factors related to recycling and reuse plans when deciding whether to grant an application. The Code Officer may also choose to waive or edit the minimum requirement when assessing a Building Permit Application if they deem it to be infeasible, unnecessarily restrictive, or otherwise unnecessary for a given project.”

ii. Chapter 75 – Demolition Permits

a. Section 4 – Demolition permit; issuance, terms and conditions

i. Subsection A

1. Paragraph (2) – AMEND as follows:

- a. “...provision for disposal of refuse, including a statement on any permits required for the transportation and disposal of hazardous materials, and including plans or provisions for the diversion of relevant waste materials or refuse from landfills or similar to appropriate recycling or reuse centers and/or processes;...”

ii. Subsection C – Terms and conditions of permit

1. Paragraph (6) – AMEND as follows:

- a. “...ingress from the property. At least 25%, as appropriately estimated given project scope and costs of demolition waste materials, taken here to mean rubble, debris, or other refuse, from an applicable project shall be diverted from a landfill or similar to appropriate recycling or reuse processes or centers. The Code Officer retains discretion in determining feasibility, scope, cost, and other factors related to recycling and reuse plans. The Code Officer may also choose to waive or edit the minimum requirement when assessing a Demolition Permit Application if they deem it to be infeasible, unnecessarily restrictive, or otherwise unnecessary for a given project. After demolition and no new...”

b. ADD – Subparagraph “a” as follows:

- i. Project waste here shall only mean feasibly recycled or reused materials, and shall not mean, for instance, unusable including rotting or otherwise corrupted materials, or hazardous materials including lead, asbestos, or other hazardous materials.

Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full effect.