

RESOLUTION ARB2015-0014

Approval of Minimum Demolition and Maintenance Standards Rule

Whereas, County entities may adopt, amend, rescind, and administer rules on matters within their respective jurisdictions, as established by the County Charter, the County Code, or general law; and

Whereas, Section 205.09(A) of the Cuyahoga County Code establishes the Cuyahoga County Administrative Rules Board; and

Whereas, per Section 113.02(A) of the Cuyahoga County Code, a county entity seeking to adopt, amend, or rescind a rule shall submit a request, including the specific language of the rule, to the Clerk of the Administrative Rules Board in accordance with the procedures and deadlines established by the Board for such submissions; and

Whereas, per Section 113.02(G) of the Cuyahoga County Code, the Administrative Rules Board is given approval authority over rules promulgated by County entities based on a determination of: (1) whether the requesting entity has the authority to adopt, amend, or rescind the rule and (2) whether the proposed rule conflicts with the County Code; and

Whereas, the Department of Development administers a Minimum Demolition and Maintenance Standards policy as part of the Property Demolition Program.

NOW, THEREFORE, BE IT RESOLVED BY THE ADMINISTRATIVE RULES BOARD OF CUYAHOGA COUNTY, OHIO:

Section 1. The Minimum Demolition and Maintenance Standards rule, as attached, is hereby enacted as part of the Cuyahoga County Administrative Code.

Section 2. This Resolution shall go into immediate effect and remain in full force and effect until rescinded or amended by the Board.

Section 3. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

The foregoing resolution was duly adopted on April 30, 2015.


Clerk of the Board

Cuyahoga County Property Demolition Program¹
Minimum Demolition and Maintenance Standards



Department of Development

¹ Established under Cuyahoga County Council Ordinance No. 02014-0014

Cuyahoga County Demolition Program Minimum Standards

Permits

- 1) Secure all necessary permits including, but not limited to, building permit to demolish, sewer permit and hydrant permit. If necessary, applicable sidewalk repair permits shall be secured. Additional licensing and bonding requirements may be required by the city, village, or township where the structure to be demolished is located.

Asbestos Survey

- 2) An asbestos survey shall be performed by an Ohio Certified Asbestos Hazard Evaluation Specialist. Per Ohio EPA standards, all asbestos identified for abatement by the survey shall be abated by a properly licensed abatement contractor prior to any demolition activities.

Notification

- 3) A posting on the structure will notify neighboring property owners of the proposed demolition. A Copy of this demolition notification must be retained with all other permit application materials. All notifications to the Ohio Environmental Protection Agency and the Ohio Department of Health must be done in a timely manner.

Utilities

- 4) All existing water, sewer, gas, electric, steam and telephone lines, or other connections, outside of the structure shall be properly disconnected, plugged or capped. Sewer lines shall be bulk headed at the public sidewalk and inspected before back filling. The water supply is to be shut off and inspected. All utility work shall be done under proper supervision of the utility having authority. Notification must be given to the Ohio Utility Protection Service (OUPS) as required by law. All household sewage treatment systems shall be abandoned pursuant to the Ohio Department of Health and/or local health district requirements.

Safety

- 5) Temporary barricades or enclosures, such as plastic fencing, may be used to limit access to the demolition site. Warning signs/ lights and or watchman shall be provided if needed to prevent injury to persons or damage to property. An appropriate barrier for any demolition activities left over night or over a weekend will be required.
- 6) Prior to demolition, a final walk through of the interior of the structure shall be conducted to verify if it is unoccupied and that all utilities are disconnected. In addition, visually verify that asbestos abatement has been completed. If asbestos containing materials that should have been removed are found in the walkthrough, further abatement activities will need to be arranged and completed prior to demolition.

Demolition

- 7) All public sidewalks, curbs, streets, sewer and water lines, and any neighboring public or private structures must be protected from damage. Any damage to any structure or facility resulting from demolition activities shall be restored or repaired. Any adjoining or party walls shall be restored to conform to existing exterior walls or an approved alternative, with proper support and foundations maintained or provided.
- 8) Open burning is prohibited. Noise, dust and litter must be minimized. Hoses of sufficient length (min. 100 lf) will be required to prevent discharge of visible emissions to the outside air through demolition.
- 9) Completely demolish and remove main structure and any accessory structures such as garages, storage sheds, fences, etc. unless otherwise exempted. Demolition includes the removal of all masonry walls, floors, piers and foundation supports unless portions are needed for the neighbor's driveway, sidewalk or adjacent structure. These areas the walls must be removed 18" below finish grade. Remove foundation plantings and hedges unless otherwise noted. Preserve all healthy mature trees.
- 10) Basement floors shall be removed complete. All debris shall be removed promptly from the demolition site including the basement areas.
- 11) Upon completion of demolition debris removal backfilling of basements or other substructures can commence.
- 12) No wall over ten (10) feet high of any width or length without proper lateral support shall be permitted to remain standing after working hours.

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- 13) All paved areas within the property, including driveways, service walks, aprons, patios, etc. shall be properly removed. Public sidewalks shall remain intact. Any damage done to the public sidewalks during demolition shall be repaired. After removal of the driveway, apron curbing shall be installed if required by local ordinances.
- 14) No demolition work shall be performed between the hours of 7 PM and 7 AM or on Saturday, Sunday or any legal holiday without prior approval from the local community.

Waste Disposal - General

- 15) Cuyahoga County intends that all pre-demolition waste from cleanout of structures to be demolished, and all construction and demolition debris, shall be disposed of in a lawful manner and that recyclable materials shall be recycled to the greatest extent feasible. Cuyahoga County participates in an Environmental Crimes Task Force which will investigate and when appropriate prosecute suspected illegal waste disposal including open dumping, which is a felony offense punishable by up to four years imprisonment and/or a fine of up to \$25,000.
- 16) No person shall dispose of solid wastes by open burning or open dumping as defined in ORC 3734.03.
- 17) No person shall conduct or allow illegal disposal of construction and demolition debris as defined in OAC 3745-400-04(B).
- 18) Solid wastes, construction and demolition debris, and recyclables generated by the demolition activities shall not be stored on the demolition site, be allowed to accumulate, or allowed to migrate onto adjoining properties or the public right-of-way.

Disposal of Pre-Demolition Wastes - Requirements

- 19) Prior to demolition, all solid wastes as defined by ORC 3734.01(E) found in the structure must be removed and disposed of in accordance with all Ohio laws and rules governing the management of solid wastes, and delivered to an Ohio EPA licensed solid waste facility, as defined by ORC 3734.01(N). A list of licensed municipal solid waste landfills and licensed municipal solid waste transfer facilities can be found on the Ohio EPA Division of Materials Management web site: http://epa.ohio.gov/portals/34/document/facility_lists/lic_msw.pdf (licensed MSW landfill list) http://epa.ohio.gov/portals/34/document/facility_lists/lic_tf.pdf (licensed MSW transfer station list)
- 20) Any hazardous waste, as defined in ORC 3734.01(J), must be transported and disposed of in accordance with all State of Ohio laws and rules governing the transportation and disposal of hazardous waste, excluding household hazardous waste, as defined in OAC 3745-27-01(H)(4).
- 21) All scrap tires, as defined by ORC 3734.01(Z), must be transported and disposed of in accordance with all State of Ohio laws and rules governing the transportation and disposal or recycling of scrap tires.

Disposal of Construction and Demolition Debris - Requirements

- 22) Construction and demolition debris as defined in ORC 3714.01(C), shall be cleared from the premises and shall be disposed of only by the following methods or combination thereof:
 - a) Disposal in an Ohio EPA licensed construction and demolition debris disposal facility, as defined by ORC 3714.01(C), (D), and (E). A list of licensed C&DD disposal facilities can be found on the Ohio EPA Division of Materials Management web site: http://epa.ohio.gov/portals/34/document/facility_lists/lic_cdd.pdf
 - b) Disposal in an Ohio EPA licensed solid waste facility including MSW landfill or transfer station as defined by ORC 3734.01(N). A list of licensed municipal solid waste landfills and licensed municipal solid waste transfer facilities can be found on the Ohio EPA Division of Materials Management web site: http://epa.ohio.gov/portals/34/document/facility_lists/lic_msw.pdf (licensed MSW landfill list) http://epa.ohio.gov/portals/34/document/facility_lists/lic_tf.pdf (licensed MSW transfer station list)
 - c) Recycled through a construction and demolition debris (C&DD) facility that is compliant with all applicable local, state and federal environmental laws, rules and regulations and has been certified by the Recycling Certification Institute (RCI) or has registered and is in the process of becoming RCI certified (see below).

The Recycling Certification Institute provides a voluntary, third party certification program for C&DD recycling facilities that is designed to encourage more recycling of C&DD material while ensuring integrity, transparency, accuracy and reliability in the recovery/recycling reports of participating facilities. Ohio EPA has worked with the Recycling Certification Institute and the Construction and Demolition Association of Ohio to adapt the RCI recycling

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facility certification program for Ohio. Information regarding this certification program can be found on the Ohio EPA web site - <http://www.epa.ohio.gov/dmwm/Home/CDD/CDDRecycle.aspx#169364993-permits--compliance> and the RCI web site - <https://www.recyclingcertification.org/>

- d) Clean hard fill, as defined by Ohio Administrative Code ("OAC") Rule 3745-400-01(E), shall be managed in accordance with OAC Rule 3745-400-05.

Waste Disposal Documentation and Certification

- 23) The municipality, County Land Bank, or third-party demolition administrator shall implement a system which both monitors and confirms that any solid waste, hazardous waste and construction and demolition debris cleared from a demolition site will be managed pursuant to the requirements set forth by Sections 15-22 of these standards and applicable law.

Site Finish

- 24) Basements shall be filled with non-combustible premium materials and compacted in layers (lifts) of suitable height to insure no future settling will take place. No material shall exceed (1) cubic foot in volume to a grade of not less than 18" from the finish grade. The final 24" to grade line shall be also compacted clean fill with 2" or more, depending on the substrate, of screened top soil, sandy loam, and/or other suitable material properly graded to ensure future grass growth. Apply lawn seed according to manufacturers directions. Rake and roll seeded areas to provide good seed and soil contact. Cover area with weed free straw blanket or compost equivalent (1 bale covers 750sf.) Use the "ODOT spec" grass mix of 30% Kentucky bluegrass, 30% creeping red fescue, 20% annual ryegrass and 20% perennial ryegrass, or an equivalent seed mix.
- 25) The finish grade line shall conform to adjacent property grades and drain the lot towards the public right-of-way or the natural contours of the land. Pooling of water shall not be permitted.
- 26) Upon completion of the demolition activities, all debris, rubbish and trash shall be removed from the property.
- 27) Any settling, any debris over 1/2" in size returning to the surface, any bare areas of grass and/or any water pooling within six months upon the completion of the demolition shall be corrected in a timely manner.

General

- 28) All demolition work shall be performed in conformity with the following standards:
 - a) Ohio Building Code
 - b) NFPA 241 Standard for Safeguarding Construction, Alteration and Demolition Operations
 - c) Local zoning, building, housing demolition and property maintenance ordinances
 - d) The National Emissions Standards for Hazardous Air Pollutants (NESHAP)
- 29) In the event there is a conflict in the specifications or contract documents, the most stringent requirements, shall determine the minimal acceptable requirement for work.
- 30) Demolition contractors shall be required to inspect all properties to be demolished prior to bidding.
- 31) All labor shall be performed in the best and most workmanlike manner by contractors skilled in their respective trades. The standards of the work required throughout shall be of a quality normal to this trade. Contractors, whose work is unsatisfactory or are considered unskilled or otherwise objectionable, shall be dismissed from the work upon notice.
- 32) Contractors shall be paid only upon satisfactory completion of all work in the contract.

Additional Environmental Contaminants

- 33) If any part of the structure is commercial or industrial, or if a residential structure is known to have environmental concerns beyond asbestos, such as fuel storage tanks or a history of use as a meth lab, a Phase I environmental report shall be completed and reviewed by the municipality, County Land Bank, or third-party demolition administrator, prior to any demolition activities. If the Phase I environmental report indicates the potential that contaminants could be released due to the demolition activities or could affect health or the environment during or after demolition, Phase II environmental investigation activities will be required. The Phase II investigation activities must adhere to all applicable State and Federal laws and regulations. A State of Ohio Certified Environmental Professional must oversee any pre-demolition remediation of contaminants other than asbestos.

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- 34) These minimum standards are not intended to require additional remediation beyond that required for safe demolition.
- 35) Additional work to meet federal or state standards for future reuse of the property is beyond the scope of this program.