

## COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on **July 13, 2021** immediately following the City Council meeting which begins at **5:30 PM**

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Please contact the Clerk's office if you require accommodations to attend the meeting.

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The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Discussion Items
  - A. Discussion and Possible Action Regarding Creating a Demolition Recycling and Reuse Ordinance per the Historic Preservation Commission (*Planning*)
6. Adjournment

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**SUBJECT:** Discussion and Possible Action Regarding Creating a Demolition Recycling and Reuse Ordinance per the Historic Preservation Commission (*Planning*)

**RECOMMENDATION:** Unanimously recommended for approval by the Historic Preservation Commission on March 1, 2021.

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**DEPARTMENT OF ORIGIN:** Planning and Development Department

**CLEARANCES:** Historic Preservation Commission  
Plan Commission

**EXHIBITS:**

1. Draft Proposed Ordinance
2. Draft Demolition Recycling and Reuse Plan Checklist
3. Supplement for UDO Text Amendment for Demolition Recycling and Reuse Ordinance

**SUMMARY STATEMENT:**

Staff is recommending revision to the Demolition Permit procedure in Unified Development Ordinance to refer to a newly proposed ordinance drafted by the Historic Preservation Commission. These changes would require that applicants requesting demolition of structures over 25 years in age which do not meet the blight definition included in the ordinance must submit a demolition recycling and reuse plan to the City. The plan must identify how the applicant will recycle or reuse a minimum of 10% of demolition materials by volume. The ordinance was modeled off of a template provided by the Wisconsin DNR, and was unanimously recommended by the Historic Preservation Commission. The intent of building this development delay into local demolition review procedures is to promote recycling of materials, and reuse of significant historic fixtures.

## DRAFT ORDINANCE FOR RECYCLING AND REUSE OF DEMOLITION MATERIALS

**Intent:** The provisions of this Ordinance are intended to establish proper procedures for 1) evaluating demolition projects, 2) documenting Ashland's building stock and historic resources, and 3) promoting reuse and recycling of materials to further community historic preservation and environmental sustainability goals. This ordinance is intended to provide an additional level of review and documentation of all structures over twenty-five (25) years in age prior to demolition, and pertains to interior and exterior, complete and partial demolition activities.

**Applicability:** This section applies to buildings where any part of the structure is twenty-five (25) years old or greater as of the date of Demolition Permit submission. These Ordinance standards apply regardless of historic designation on a local, state, or national level.

**Exemptions:** Buildings and structures which are deemed as blighted by the City Building Inspector or Designated Authorized Agent shall be exempt from the requirements of this ordinance. No photos or Recycling/Reuse Plan will be required for demolition of blighted buildings or structures.

### Review Process:

1. **Application submission.** Demolition Permit applications for complete or partial demolition of any building or structure shall be reviewed by the Planning and Development Director and Building Inspector to determine applicability of these ordinance standards.
2. **Initial Application Review.** The Planning and Development Director and Building Inspector will have thirty (30) days to establish if the building is of sufficient age to be subject to the standards outlined in this ordinance, and does not qualify for exemptions.
3. **Staff Review.** If the building is determined to be greater than twenty-five (25) years old, the Planning Director reserves the right to delay demolition for up to sixty (60) days. If a demolition delay is ordered, the following steps will be taken:
  - a. **Documentation of Property.** The property owner or contractor shall be responsible for submitting interior and exterior photos of buildings or structures requested for demolition, which are subject to the standards of this ordinance (see above for *Applicability* and *Exemptions*).
  - b. **Evaluation and Review of Alternatives.** Alternatives to demolition will be considered, if it is economically feasible and will not create an undue burden to the property owner. This may include the possibility of selling the property to a developer who is interested in rehabilitating or restoring the property, or donating the property to the City.
  - c. **Recycling and Reuse of Materials.** Unless otherwise approved by the City Building Inspector or other Authorized Designated Agent, all demolition activities in buildings or structures greater than twenty-five (25) years in age shall be required to achieve a minimum 10% diversion rate for demolition materials. This diversion rate can be accomplished through recycling and/or reuse of construction demolition materials.

**d. Recycling/Reuse Plan.** A plan for how the property owner/contractor will achieve the minimum diversion rate shall be submitted for approval by the City Building Inspector prior to issuance of a Demolition Permit.

**Approval Criteria:** No Demolition Permit shall be issued for a building or structure constructed 25 years or greater shall be issued unless the standards described above are met, in addition to applicable standards as detailed in other City ordinances.

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#### **Definitions.**

**Blighted property:** Any property within a city, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provisions for ventilation, light, air or sanitation, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and is detrimental to the public health, safety, morals or welfare, or any property which by reason of faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair market value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provisions of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use, or any property which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community (WI Stat. 66.1333).

**Diversion of waste:** Repurpose of construction and demolition materials in place of disposal in a landfill, including recycling and reuse activities.



## CITY OF ASHLAND

### Demolition Recycling/Reuse Plan

A Recycling/Reuse Plan shall be submitted for all demolition projects involving a building or structure over 25 years in age at the time of application. The Recycling/Reuse Plan must be approved by the City Building Inspector prior to issuance of a Demolition Permit.

**NOTE:** Check with the City Building Inspector if you believe the building or structure may meet the definition of a "blighted property." Blighted buildings and structures are not subject to the standards of [Ordinance #\_\_\_].

☐ Provide photos of interior and exterior of structures

☐ Recycling activities and amounts:

Clean Wood \_\_\_\_\_ (tons) and/or (cy)

Drywall \_\_\_\_\_ (tons) and/or (cy)

Metals \_\_\_\_\_ (tons) and/or (cy)

Concrete \_\_\_\_\_ (tons) and/or (cy)

Cardboard \_\_\_\_\_ (tons) and/or (cy)

Shingles \_\_\_\_\_ (tons) and/or (cy)

Other\*\* \_\_\_\_\_ (tons) and/or (cy)

**Total** \_\_\_\_\_ (tons) and/or (cy)

☐ Reuse activities and descriptions

List all fixtures and construction materials which will be reused:

Material/fixture: \_\_\_\_\_ Amount: \_\_\_\_\_

Material/fixture: \_\_\_\_\_ Amount: \_\_\_\_\_

Material/fixture: \_\_\_\_\_ Amount: \_\_\_\_\_

**Total materials landfilled:** \_\_\_\_\_ tons and/or cy

**Total recycling/reuse rate\*:** \_\_\_\_\_ %

*All information listed above is attached to this application unless otherwise marked "Does Not Apply." I understand that incomplete submittals may delay the processing of the application. I will apply separately for all proposed new signage, if applicable.*

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Address

\_\_\_\_\_  
Year of Construction

*The completed documents have been received by:*

\_\_\_\_\_  
City of Ashland Authorized Staff Member

\_\_\_\_\_  
Date

*\*For assistance in calculating recycling/reuse rate, contact Ashland City Building Inspector, Stephen Schraufnagel, at 715-209-6372.*

# Proposed Text Amendments: 06/22/2021

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1. *The City's Historic Preservation Commission has unanimously recommended that the City create a Demolition Reuse and Recycling ordinance*

## Proposed Changes:

### **Section 6.1 J, 2**

## **J. Demolition and Moving of a Building or Structure**

### **1. Applicability.**

No building, structure, or part thereof (as determined by the Building Inspector or Designated Authorized Agent), shall be moved, removed, razed or demolished without prior approval and/or a demolition permit or a permit to move a building or structure pursuant to Section 3.33: Demolition Permit and/or Section 3.34: Permit to Move a Building or Structure.

### **2. Other Permits and/or Authorizations Required.**

a. A City Work-in-Right-of-Way permit must be obtained as required by City Ordinances.

b. If the building, structure or site is listed on a Local, State or National Historical Registry, or is located in a historic district as determined by the Local, State or National Historical Registry, a Certificate of Appropriateness may be required pursuant to Section 3.22 and City of Ashland Ordinance 826. If required, the Certificate of Appropriateness shall be issued prior to the issuance of a demolition permit or a permit to move a building or structure.

**c. If the building or structure was constructed 25 years or more from the date of Demolition Permit submission, refer to Section 6.1J, 2, e for additional review standards.**

~~e.~~ **d.** The use of explosives shall only be allowed upon prior written authorization and coordination with the Building Inspector, Director of Public Works, Police Chief and Fire Chief.

~~f.~~ **e.** The location of sites for the disposal, reuse or recycling of materials shall be supplied with the demolition permit or permit to move a building or structure applications. Only local and/or State approved and/or permitted disposal and recycling sites shall be used.

~~f.~~ **f.** The State of Wisconsin and any other local governmental authority (i.e. a County, Township, City) or department, may also regulate and require a permit for any vehicle or trailer used in the process of hauling or moving of a building or structure.

~~f.~~ **g.** A building permit is required for the placement or installation of any building or structure on a parcel located in the City of Ashland.

 **h.** Authorization or permits may be required by other local governmental authorities (i.e. a County, Township, City) for placement or installation of a building or structure within their boundaries.

### **3. Standards and Inspections.**

#### **a. Utilities.**

(1) Capping of water and sewer laterals shall occur at the parcel line by a licensed plumber. Inspection of the disconnection, capping and abandonment is required. The owner, contractor, or owner's agent shall call the Public Works Department to schedule an inspection at least two (2) business days prior to performing any utility disconnection, capping or abandonment work.

(2) If a Private Onsite Wastewater Treatment System (P.O.W.T.S.), such as a holding tank or septic drain field is connected to the building or structure, or is located on the parcel and not in use, the P.O.W.T.S. shall be properly abandoned in accordance with Comm. 83.33 of the State Plumbing Code. A letter stating the P.O.W.T.S. has been abandoned to code by a licensed plumber, shall be submitted to the Building Inspector and the Public Works Director.

(3) If a private well is connected to the building or structure, or is located on the parcel and not in use, the well shall be properly abandoned or capped in accordance with Department of Natural Resources regulation NR 812.26 and other related requirements. A copy of an approval letter or permit from the Department of Natural Resources to maintain the well, or a letter stating the well has been abandoned to code from a licensed well driller, shall be submitted to the Building Inspector and the Public Works Director.

#### **b. Dust control.**

(1) The owner, contractor, or owner's agent shall be required to control and minimize airborne dust so as to not impact adjacent parcels, public rights-of-way and public infrastructure. It is the responsibility of the owner, contractor, or owner's agent to minimize airborne dust through the application of water, or another approved method, during the demolition and loading process. Other methods proposed shall be approved by the Building Inspector or Designated Authorized Agent.

#### **c. Stormwater and erosion control.**

(1) The owner, contractor, or owner's agent shall be required to provide stormwater and erosion control methods for the demolition or moving of a building or structure.

(2) All stormwater and erosion control practices shall be approved and installed prior to any up-slope soil disturbing activities and shall be in place until the site achieves final stabilization.

(3) All stormwater and erosion control measures shall be removed within 30-days after final site stabilization is achieved or the Director of Public Works or Designated Authorized Agent determines that the controls are no longer needed.

(4) A Sediment and Erosion Control Plan and/or a Post-Construction Management Plan may be required pursuant to Section 8.2 and Section 8.3.

(5) No later than fourteen (14) days following the land disturbing activities, all disturbed areas shall be restored to the final grade and restored with vegetation as approved by the Building Inspector or Designated Authorized Agent.

d. Asbestos inspection.

(1) NR 447 of the Wisconsin Administrative Code requires that all commercial structures and residential structures having more than four (4) dwelling units be inspected for the presence of asbestos by an asbestos inspector licensed by the WI Department of Health and Family Services (DHFS). Refer DNR publication WA-651-07 for more detailed information. A copy of the asbestos inspection report meeting the requirements of NR 447 must be submitted to the Building Inspector prior to issuance of a permit.

**e. Buildings and structures constructed 25 years or greater from date of Demolition Permit submission, regardless of historic designation.**

**(1) Blighted buildings and structures, as approved by the City Building Inspector, shall be exempt from the standards of this subsection.**

**(2) All applicants must submit a Preliminary Recycling/Salvage Plan with the Demolition Permit application, and a Final Recycling/Salvage Report upon completion to document salvaged material types and quantities.**

**g. General standards.**

(1) All remaining concrete slabs, below grade footings, walls, and floors shall be completely removed and hauled off site to an approved disposal site. Clean suitable soil, as determined by the Building Inspector or Designated Authorized Agent shall be utilized to bring the site to level grade (average grade of site abutting the building or structure prior to demolition or removal). The affected area shall be graded to eliminate ponding and allow for natural drainage patterns. Topsoil shall be installed and the site re-seeded to stabilize the site.

(2) On-site storage – The storage of materials resulting from the demolition or moving of a building or structure activities shall not remain on-site for more than thirty (30) days following the demolition or removal.

(3) It is the responsibility of the owner, contractor, or owner's agent to properly secure the site for public safety.

