

**LONDON GROVE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 145

**AN ORDINANCE OF THE TOWNSHIP OF LONDON GROVE
CHESTER COUNTY, PENNSYLVANIA
RELATING TO RECYCLING AND DIVERSION
OF CONSTRUCTION AND DEBRIS**

WHEREAS, the Township of London Grove, Chester County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

Part I – General

1. Purpose:

This ordinance is being enacted because London Grove Township recognizes that debris from demolition and construction represents a large portion of the volume of waste presently coming from the Township and that much of the debris is particularly suitable for recycling. London Grove Township recognizes the importance of the diversion of construction and demolition debris in order to return valuable materials to productive use, and to protect capacity at municipal waste processing and disposal facilities.

2. Definitions:

- A. Applicant – Any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to London Grove Township for permits to undertake construction, demolition or a renovation project.
- B. Construction – The building of a facility or structure or any portion thereof including tenant improvements to an existing facility or structure.
- C. Construction and Demolition Debris - Building and site improvement materials and other solid waste resulting from construction, re-modeling, renovation, or repair operation or demolition. Construction waste includes packaging, including but not limited to, roofing, glass, brick, concrete, concrete truck clean out, asphalt material, vinyl siding, insulation, pipe, gypsum, wallboard, lumber, cardboard, paper, plastic, wood, metal, tree remains, trees, other vegetative matter, rock, stumps, logs and other similar materials.

- D. Deconstruction – The process of carefully dismantling a building or structure in order to salvage components for reuse or recycling.
- E. Demolition – The decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- F. Demolition Debris – Building and site improvement materials resulting from demolition or selective demolition operations.
- G. Disposal – Removal off-site of demolition and construction debris and subsequent sale, recycling, reuse or deposit in landfill or incinerator acceptable to authorities having jurisdiction.
- H. Divert – To use material for any purpose other than disposal in a landfill.
- I. Leaf Waste – leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.
- J. Non-residential – All structures other than one and two family residential structures; the definition of non-residential includes multi-family residential.
- K. Project – Any activity, which requires a permit from the Township of London Grove.
- L. Recycle – Recovery of demolition or construction debris for subsequent processing in preparation for reuse.
- M. Renovation – Any change, addition or modification to or in an existing structure.
- N. Residential – One or two family residential structures.
- O. Reuse – Further or repeated use of materials in their original form.
- P. Salvage – Recovery of demolition or construction debris and subsequent sale or re-use in another facility.
- Q. Salvage and Reuse - Recovery of demolition or construction debris and subsequent incorporation into the work.
- R. Waste Management plan – An application packet approved by the Township for the purpose of reviewing project compliance with the requirements of this ordinance.

3. Covered Projects:

The following projects are “covered projects” and shall submit a waste management plan and are subject to the provisions of this ordinance.

- A. All non-residential construction and renovation projects within London Grove Township. The total costs of which are, or projected to be, greater than or equal to \$5,000.00.
- B. All residential construction and renovation projects within London Grove Township. The total costs of which are, or project to be, greater than or equal to \$25,000.00.
- C. All demolition projects with London Grove Township for any non-residential structure in excess of 99 square feet.
EXCEPTION - Emergency demolition required to protect the public health and safety.
- D. All demolition projects within London Grove Township for any residential structure in excess of 499 square feet.
EXCEPTION – Emergency demolition required to protect the public health and safety.
- E. Values of construction shall not be less than those as determined by London Grove Township schedule of fees as adopted by resolution from time to time.
- F. For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on a single or adjoining parcel(s) shall be deemed a single project.
- G. Applicants for construction, demolition and renovation project, which are not covered projects, are encourage to divert as much project related construction and demolition debris as possible.

Part II – Recycling

1. Diversion:

- A. An applicant submitting a building, demolition or other permit application within 365 days (1 calendar year) from the effective date of this ordinance shall divert at least 25% of all construction and demolition debris, as measured by weight produced on site. Such diversions shall be by recycling or reuse in accordance with this ordinance.

- B. An applicant submitting a building, demolition or other permit application 366 days to 730 days (2nd calendar year) from the effective date of this ordinance shall divert at least 50% of all construction and demolition debris, as measured by weight produced on site. Such diversion shall be by recycling or reuse in accordance with this ordinance.
- C. An applicant submitting a building, demolition or other permit application 731 days (3rd and subsequent calendar year) from the effective date of this ordinance shall divert at least 75% of all construction and demolition debris, as measured by weight produced on site. Such diversion shall be by recycling or reuse in accordance with this ordinance.
- D. Applicants shall make reasonable efforts to ensure that all construction and demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available to the extent practical, all construction and demolition debris shall be weighed by measurement on scales.

2. Waste Management Plan:

- A. Submittal – Applicants for building, demolition or other permits involving any covered project shall complete and submit a waste management plan (WMP).
 - 1. The WMP shall indicate, at minimum, the following:
 - a. A list of the construction and demolition debris material types to be generated.
 - b. The vendor or facility that the applicant proposes to use, to collect or to receive the materials.
 - c. Acknowledgement of responsibility. The WMP shall be signed by both the applicant and the property owner indicating:
 - i. Understanding of the consequences of not meeting the diversion requirement including being subject to fines and/or stop work orders;
 - ii. That the applicant and owner understand that they are responsible for the actions of their subcontractors with regard to this diversion requirement.
 - d. The estimated volume or weight of project waste to be generated by material type.

- e. The maximum volume or weight of materials that can feasibly be diverted via reuse or recycling by material type.
 2. The Township may specify that the WMP be submitted on a Township supplied form.
 3. In preparing the WMP, applicants for building, demolition or other permits involving the removal of all or part of an existing structure shall consider de-construction to the maximum extent feasible and shall make the materials generated thereby available for salvage prior to landfilling. Materials generated in the process shall be considered divertible construction and demolition debris and included in the amount of waste generated.
- B. Review - No building or demolition permit shall be issued for any covered project unless and until London Grove Township has approved the Waste Management Plan (WMP). The WMP shall be reviewed with 15 working days of submittal.

The appropriate Township official shall only approve a WMP if he or she determines that all of the following conditions have been met:

1. The WMP provides all of the information as prescribed by this ordinance or any WMP form provided by the Township in accordance with this ordinance.
 2. The WMP indicates that the diversion rate of all construction and demolition debris will be in accordance with this ordinance.
- D. Non-Approval – If London Grove Township determines that the WMP fails to meet the requirements of this ordinance the appropriate Township official shall notify the applicant of such in writing, within 15 working days, including an explanation of the reason the WMP fails to comply.

3. Infeasibility Exemption:

- A. Application – If an applicant for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the WMP as required by this ordinance. Increased costs to the applicant generally will not be a sufficient basis for an exemption unless such costs are extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

- B. The application fee as specified in the London Grove Township fee schedule as adopted from time to time by resolution shall accompany all applications for exemption.
- C. The London Grove Township Manager, Code Administrator and Recycling Coordinator shall review the application for exemption within 15 working days of submittal, and the group may require a meeting with the applicant to discuss possible ways of meeting the diversion requirement. Based on the information supplied by the applicant the previously mentioned officials shall determine whether it is possible for the applicant to meet the diversion requirement.
- D. Approval – If London Grove Township determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances. The Township Manager, Code Administrator and Recycling Coordinator shall establish a minimum feasible diversion rate for each material and shall indicate the rates to the applicant in writing.
- E. Denial – If London Grove Township determines that it is possible for the applicant to meet the diversion requirement; the appropriate Township official shall so inform the applicant in writing. The applicant shall have thirty (30) days from the date of denial to resubmit a WMP in full compliance with this ordinance. If the applicant fails to resubmit the WMP, or if the re-submitted plan does not comply with this ordinance, the appropriate Township official shall notify the applicant in accordance with this ordinance.
- F. Appeal – The applicant may appeal a decision under this section to the London Grove Township Board of Supervisors.

4. On Site Practices:

- A. During the term of the covered project, the applicant shall recycle and reuse the required percentage of waste and keep records of the tonnage or other measurements approved by London Grove Township that can be converted to tonnage amounts. London Grove Township will evaluate and may monitor each covered project to determine the percentage of waste salvaged and recycled or reused from the covered project.
- B. On covered projects including both construction and demolition, the diversion of materials shall be tracked and measured separately.
- C. To the maximum extent feasible, project waste shall be separated on-site if this practice increases diversion.

- D. For construction and/or demolition projects, on-site separation shall include salvageable materials (e.g., appliances, fixtures, plumbing, metals, etc.) and dimensional lumber, wallboard, concrete and corrugated cardboard.
- E. To the maximum extent feasible on-site separation of scrap wood and leaf waste in a designated debris box or boxes shall be arranged in order to permit chipping and mulching for soil enhancement or land cover purposes.

5. Reporting:

Within thirty (30) days following the completion of the demolition phase of a covered project, and again within thirty (30) days following the completion of the construction phase of a covered project. The applicant shall, as a condition precedent to the issuance of any certificate of occupancy or final approval of a project, submit documentation to London Grove Township that verifies compliance with this ordinance.

The documentation shall consist of a final completed waste management plan showing actual waste tonnage data, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill or disposal companies. Receipts and weight tags will be used to verify whether waste generated from the covered project has been or is to be recycled, reused, salvaged or disposed. The applicant shall make reasonable efforts to ensure that all designated recyclable and reuse waste salvaged or disposed are measured and recorded using the most accurate method of measurement available.

If a project involves both demolition and construction, the report and documentation for the demolition portion of the project must be submitted to and approved by the Township prior to the start of the construction phase of the project.

Part III – Miscellaneous Provisions

1. Violations and Penalties:

- A. If at any time during the course of a covered project a violation of this ordinance is discovered by the Township, the Township shall notify the applicant and owner in writing by certified mail or personal delivery of the said violation and provide a time line for correction.

- B. If at any time during the course of a covered project, an applicant fails to comply with a violation notice in accordance with this ordinance, or a covered project is started without an approved Waste Management Plan (WMP), the Township may order the immediate cessation of all work on the covered project. Such notice shall be in writing to the applicant and owner or the owner's agent, and be posted conspicuously on the project site. Any person who shall commence or continue any work in or about the project site, except such work as directed to correct the violation, shall be liable to the penalties section of this ordinance.

- C. Any person who shall violate any of the provisions of this ordinance shall be guilty of any offense punishable by a fine, which shall not exceed one thousand dollars (\$1,000.00) per violation, recoverable with costs. Such fine shall be collectable before any magisterial District judge as like fines and penalties are collected by law. A new and separate violation may be deemed to be committed for each day after receipt of the aforesaid notice that such violation exists, and for each section of this ordinance, which is found to have been violated.

- D. In addition, the Township may institute injunctive, mandamus, or any other appropriate action or proceeding of law or in equity for the enforcement of this ordinance. Any Court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, writs of mandamus or other appropriate forms of remedy or relief.

2. Severability:

The provisions of this ordinance are severable, and if any Court of competent jurisdiction thereof shall hold any section, clause, sentence, part or provision illegal, invalid or unconstitutional, such decision of the Court shall not effect or impair any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

3. Effective Date:

This ordinance shall become effective thirty (30) days after adoption.

ENACTED AND ORDAINED this _____ day of _____, 200_ by the Board of Supervisors of London Grove Township.

BOARD OF SUPERVISORS

Thomas D. Houghton, Chairman

Edward Bordas, Vice-Chairman

Timothy B. Nelson, Member

David L. Eckard, Member

William W. Welsh, Member

Attest: _____
Marilyn Venegas, Secretary

SEAL