

**Deconstruction Administrative Rules**  
**Adopted December 20, 2017**  
**Effective January 1, 2018**

**Scope of the Rules**

These Administrative Rules concerning the deconstruction of primary structures are administered and enforced by the Commissioner of Neighborhood Services as authorized by Section 200-19-2 and 218-10 of the Milwaukee Code of Ordinances.

**Authority of the Commissioner**

The Commissioner of Neighborhood Services adopts the following rules pursuant to the authority and responsibilities granted under 218-10-3 b of the Milwaukee Code of Ordinances.

**b-1 Public notice of adoption of rules.**

Publication of notice for rules adopted concerning the certification of deconstruction contractors, certification-program training or to deconstruction method or practices will be made through the official newspaper of the City of Milwaukee, the Daily Reporter, a newspaper of general circulation, within the manner and time frame specified in 218-10-3 b1 of the Milwaukee Code of Ordinances.

**b-2 Public Review Hearings**

Public hearings for the review of rules adopted by the Commissioner of Neighborhood Services will be conducted in a manner consistent with the means and ways of other city business and provide for public testimony and acceptance of written comment. The Commissioner will review the recommendations and comments received during the public review process and within 10 business days either adopt proposed rules, modify or reject them. Thereafter, all rules shall be effective upon adoption, filing with the legislative reference bureau and publication on the Department of Neighborhood Services' website: <http://city.milwaukee.gov/Decon> . Adoption of subsequent rules or modification of existing rules shall comply with sections b-1 and b-2 but shall not impede the Commissioner's ability to interpret, suspend or temporarily modify an existing rule if failure to do so would cause undue burden or harm to the public trust. In such cases, notice shall be given per section b-1 within 10 days and a Public Review Hearing scheduled within 45 days.

**c Deconstruction Contractor Certification**

The Commissioner will create and recognize two Deconstruction Certifications.

These certifications neither replace nor offset any of the requirements of Chapter 218 of the Milwaukee Code of Ordinances. Contractors of record and those recognized as certified to preform deconstruction under this section are responsible for following any and all local, state and federal requirements concerning asbestos, lead, universal and hazardous wastes, worker and site safety including but not limited to the pre-deconstruction environmental assessments, compliance with Lead Safe work practices and following OSHA safety guidelines. See *Deconstruction Lead Requirements* and *Exterior Containment Requirements* for additional information concerning compliance with Lead-Safe Practices.

**Deconstruction Certifications recognized by the Commissioner:**

**Deconstruction Contractor:** An individual or business capable of obtaining permits to raze and remove buildings in the City of Milwaukee who has successfully completed a deconstruction contractor certification program either hosted by the Department of Neighborhood Services or approved by the commissioner. A business shall be considered certified if at least one person regularly employed by the company is certified.

**Deconstruction Consultant:** is an *individual* who has successfully completed a Deconstruction Consultant certification program either hosted by the Department of Neighborhood Services or approved by the Commissioner. Under this certification, the individual does not need to be capable of obtaining permits to raze and remove buildings in the City of Milwaukee but rather may subcontract their services to contractors lacking deconstruction certification but capable of obtaining permits to raze and remove buildings in the City of Milwaukee. This certification will require the applicant demonstrate a higher level of skills and commitment to the promotion of the deconstruction industry.

**Requirements for each certification:**

**Deconstruction Contractor:**

- Be capable and current with the ability to obtain permits to Raze and Remove buildings in the city of Milwaukee pursuant to chapter 218 of the Milwaukee code of ordinances
- Attend both class room and hands-on training sessions
- Pass a written exam
- Pass a hands-on skills and safety assessment
- Document an amount (to be determined) of hours of experience in specific core curriculum areas (to be determined).
- Complete an application on forms provided by the Department of Neighborhood Services.

**Deconstruction Consultant:**

- Be current with City of Milwaukee Home Improvement Contractor license.
- Attend both class room and hands-on training sessions
- Pass a written exam
- Pass a hands-on skills and safety assessment
- Document an amount (greater than that of Deconstruction Contractor - to be determined) of hours of experience in specific core curriculum areas (greater number and scope than that of Deconstruction Contractor - to be determined).
- Be an active member of a local, regional or national non-profit research and educational organization whose mission and objectives are to promote waste diversion and materials reclamation.
- Demonstrate an amount(to be determined) of credible hours dedicated to instruction and promotion of deconstruction, waste diversion and creating employment opportunities above that normally associated with deconstruction or salvage(soft strip) projects.
- Demonstrate the ability to create a written Deconstruction Plan which illustrates maximizing reuse, repurpose and recycling of materials, worker safety, addressing and mitigation of hazardous materials, workforce utilization, scheduling and efficiency, preservation of historic items and project budgeting.
- Complete an application on forms provided by the Department of Neighborhood Services.

### **Deconstruction Training Program**

- The Commissioner will host a Deconstruction Certification Training Program around June of 2018.
- At this point in time, the curriculum for the training will likely be based in full or substantial part on the Building Material Reuse Association deconstruction curriculum.
- The Department will seek Requests for Proposals from those capable and willing to provide the trainings. This will be posted in January of 2018.
- There will be a cost for the training.

### **Interim Deconstruction Contractor and Consultant Certifications**

Individuals and Contractors may apply to be considered for Interim Deconstruction Contractor and Consultant Certifications using the attached application forms. Interim Certifications will be granted to those capable of demonstrating previous trainings, core competencies achieved and past work experiences. Interim Certifications will lapse when the Department hosts certification trainings in mid-2018. Those carrying Interim Certifications will be required to attend the Department hosted training program in part or full as yet to be determined.

## **REGULATIONS**

### **a-1 Applicable Structures**

These rules apply to one through 4 dwelling buildings built in 1929 or earlier, primary dwellings designated as an historic structure or located in an historic district by the Common Council under section 320-21 of the Milwaukee Code of Ordinances, *and all one through 4 dwelling unit buildings voluntarily deconstructed regardless of year built*. These rules shall also apply to garages and accessory structures on parcels where deconstruction is occurring.

### **b Objectives**

It is the responsibility of the Deconstruction Contractor and/or Deconstruction Consultant to fully deconstruct structures subject to the intent of section 218-10 of the Milwaukee Code of Ordinances. Every deconstruction project shall strive to meet an 85% landfill diversion rate by weight per ordinance.

Every demolition permit application for buildings subject to the criteria set forth in section 218-10-4 a-1-3 shall include a completed Deconstruction Project Assessment form and written deconstruction plan submitted by either a Certified Deconstruction Contractor or Certified Deconstruction Consultant per section 218-10-4 b-3 of the Milwaukee Code of Ordinances. Deconstruction Project Assessment forms will be provided by the Commissioner. Assessments and Plans will be checked for accuracy and completeness and will require applicants to provide access for interior inspection to the Condemnation Inspection staff and/or other Department of Neighborhood Services staff or others as determined by the Department. Review of the property and applicant's Deconstruction Project Assessment will be the basis for determining an acceptable landfill diversion rate per each parcel as required in section 218-10-4b.

**CONCRETE** is universally recycled or used as fill materials in mechanical demolition, site work projects, renovations and deconstructions. In determining deconstruction project landfill diversion rates **CONCRETE** and other normally recyclable masonry materials **SHALL NOT** be calculated or considered in assessing project goals but approximate weights or volumes shall be recorded.

### **Hierarchy of Deconstruction and Materials**

Maximizing the potential for materials salvaged from buildings and diverting otherwise usable materials from landfills are among the primary goals of the Deconstruction Ordinance. To that end, the prioritization of deconstructed materials is as follows:

**Reuse:** to use salvaged materials in a manner most similar to its use prior to being salvaged. Examples include reusing salvaged framing lumber as framing lumber again; salvaging kitchen cabinets to be reused as cabinets again in a kitchen, laundry room, garage or basement.

**Repurpose:** to use salvaged materials in a manner differing from their use prior to being salvaged but not altering the state of the materials. Examples would be to turn rough sawn framing lumber into wall cladding or to use the lumber from kitchen cabinets to build bird houses or art work.

**Recycle:** to convert the salvaged materials into new materials and objects. This typically applies to materials such as glass, metals, concrete and other materials where this process can occur multiple times without degradation to the base material – a cast iron tub is melted down to become another cast iron object. Materials such as lumber will only possess a limited number of conversions - such as framing lumber converted to chip boards or ground cover- and therefore may be best suited for repurpose or reuse.

**Landfill:** to dispose of refuse and other waste materials not suitable for reuse, repurpose, or recycling through an approved facility in accordance with local, state and federal laws.

Deconstruction Contractors and Consultants shall be responsible for utilizing deconstruction techniques that ensure the preservation of materials. Reuse and Repurpose of salvaged materials shall be prioritized over merely recycling and landfilling.

### **Documentation 218-10-4 b-6**

Deconstruction Contractors, Deconstruction Consultants and Demolition Contractors razing structures which have received an exemption under sections 218-10-4 c,d,e are responsible for maintaining and providing to the Department copies of project documentation prior to permit closure. Department staff will review and approve documentation prior to permit closure. Copies of the following must be provided:

- Disposal manifests for all hazardous and regulated wastes.
- Itemized receipts of materials (including quantities) donated to non-profit organizations
- Itemized receipts of materials (including quantities) sold for reuse.
- Itemized receipts of materials (including quantities) sold for repurpose.
- Photographs accompanied by written explanations of materials to be reused on site or at another site.
- Manifests and written itemizations including quantity estimates for all materials sent to waste separation facilities.
- Manifests and written itemizations including quantity estimates for all materials sent to landfill facilities.
- Photographs accompanied by written explanations of all other materials given or sold to the public.
- Inventory log of materials unsold, yet to be sold or to be warehoused.
- Photographs accompanied by written explanations for any materials where receipts are unattainable.
- Project workforce composition including any participation in local workforce initiatives

Documentation shall be clear and concise as to the types and quantities of materials and shall provide a comprehensive picture of where the building components went and what their final destinations/use are intended to be.

### **Posting of Deconstruction Site**

Signage provided by the Commissioner shall be posted in accordance with section 218-10-4 b-4 of the Milwaukee code of Ordinances. Deconstruction Contractors and Deconstruction Consultants shall also post their own signage indicating their name or business name, deconstruction certification number and contact phone number. This signage shall also conform to the requirements of section 218-10-4 b-4.

