



**Bureau of
Development
Services** FROM CONCEPT
TO CONSTRUCTION

SB 871

Ordinance Implementation

Overview

SB 871

- Allows local jurisdictions to establish demolition program for residential buildings
- Program must require a permit
- If person performing demo is a contractor and building to be demolished built before 1978, must require contractor to submit proof verifying contractor has lead-based paint certifications as determined by OHA/DEQ
- Requires OHA & DEQ to develop a list of best practices for lead containment during residential demos from which local jurisdictions can select
- Jurisdiction may require copy of asbestos survey
- Exempts from requirements for best practices structure built before 1978 if prove structure does not contain lead-based paint
- Once statewide best practices are adopted, a local jurisdiction can't adopt practices that are in addition to any practice on the statewide list

Overview

Ordinance

- Applies to all structures with 1-4 dwelling units, regardless of zone and accessory structures on such sites (accessory structure is anything over 200 square feet, up to 3,000 sq. ft.)
- Requires a Demolition Manager be designated for the project
- Requires a Demolition Plan for dust control and site control be presented to BDS at permit intake
- Requires posting of surrounding properties within 150 feet of site and posting on-site with Demo Manager contact info (same posting as currently required for site control)
- No mechanical demo activities if wind exceeds 25 MPH
- Building permit for replacement structure won't be issued until demo permit is finalized

Overview

Ordinance cont'd.

- **Demolition Manager:**
 - Person designated by property owner responsible for implementing and overseeing Demolition Plan
 - Must complete asbestos training and have asbestos “inspector” certification (or have such certified person on site during demo activities)
 - Must have lead-based paint certification as a “risk assessor” or “inspector” per OAR 333-069
 - Must be on-site during demo activities
 - Is a “responsible party” in terms of enforcement

Overview

Ordinance cont'd.

- **Demolition Plan**
 - Outlines techniques and equipment for dust control, debris handling, and site control
 - Include anticipated timeframe for demolition
 - Include sediment and erosion control measures (information currently required on BDS "Simple Site Erosion Control Requirements Form")
 - Has contact information on Demo Manager
 - BDS will create a form with check boxes for most common dust and site control methods

Intake

A. Required Documentation

1. Demolition Plan
2. Copy of asbestos survey and closing letter (with state cover sheet)
3. If house is pre-1978 AND applicant wants to claim structure doesn't have lead-containing materials, copy of test results showing no LBP
4. Proof the person performing demo has one of specified certs for asbestos
5. If the structure is pre-1978, and the person performing demolition is a contractor, need to verify person has one of OHA-specified certifications for lead-based paint
6. Notify BDS that plan to claim exemption for unsafe or hazardous structure, if known at time of application

Intake

B. Provide Notice New Building Permit Won't Be issued until Demo Permit Finaled

C. New Posting Requirements:

1. Door hangers on all properties within 150 feet must be posted not more than two weeks or less than 72 hours before demo activities
2. On-site poster provided by BDS inspector (same as currently required for erosion control, but with added information, such as DM contract information)

D. Requirements Apply to All 1-4 Dwelling Unit Structures
(including mixed use and accessory structures on sites with 1-4 dwelling units, regardless of zoning)

Intake

Demolition Plan

1. Form developed by BDS with check boxes for major categories
2. Name and contact information for Demolition Manager (DM)
3. Techniques and equipment to control dust and debris
4. Anticipated timeframe for demolition
5. Description of site control measures, including sediment and erosion control measures (information currently required on BDS "Simple Site Erosion Control Requirements Form")
6. Monitoring process that will be followed on site before, during and after demo activities
7. Details of pedestrian protection (where required)
8. Description of how site will be secured against unauthorized access
9. Erosion and sediment control measures required by Title 24.55, Title 10, Chapter 17.39, Erosion & Sediment Control Manual, Source Control Manual, and any other City regulations governing erosion, sediment control, stormwater control or wastewater generation
10. DM's signature

Intake

How do new requirements work with existing demo requirements:

- No longer need Certification Regarding Asbestos and LBP
- If 1-2 dwellings, written notice mailed to surrounding properties and demo delay in addition to the new requirements
- Door hangers on properties within 150 feet of project, with additional information
- If 3-4 dwelling units or if not residential designation, no delay and no mailed notice, but need to post properties within 150 feet
- Need to post site two weeks – 72 hours before work commences with sign provided by inspector
- Other?

Plan Review/ Pre- Demolition

- A. Pre-Demolition site assessment
- B. Provide posters for site/erosion control info
- C. Confirm Demo Manager has asbestos and LBP certs or provides name and accreditation of person with certs.
- D. If pre-1978 and claim no LBP, copy of lead test results
- E. Review “lead hazard reduction” requirements
- F. Ensure DM has wind monitor
- G. Get date(s) of demo; if don’t have them, then inform DM need date at least ___ hours before work commences
- H. Notify DM again that permit for new construction on site will not be issued until final inspection completed and approved



Demolition Inspection (During Demo)

- A. Confirm Demo Plan being properly implemented and maintained
- B. Dust suppression and other site control equipment described in Demo Plan are on site

Demolition Inspection (During Demo)

REQUIREMENTS FOR DEMOLITIONS

- A. Accredited asbestos inspector must be on-site during all activities & if contractor, need LBP cert
- B. Lead hazard reduction (partial deconstruction) – remove all painted exterior non-structural surfaces. During removal of these materials, must place plastic to 10 feet horizontally or via vertical containment
- C. Dust suppression – water materials to prevent dust from leaving site
- D. Wind speed monitoring; no mechanical demo activities if wind exceeds 25 MPH
- E. Containment of demo debris on-site (erosion and sediment control measures set forth in Demo Plan)
- F. Cover demo debris while stored on site
- G. Exceptions for full deconstruction
- H. Door hangers and posting of site

Post- Demolition Inspection

- A. Verify that site grading has been completed
- B. Verify permanent soil stabilization measures in place [if planning to apply for building permit for replacement structure(s) within _____ weeks, can have temporary measures]
- C. Verify premises secure as detailed in Demo Plan



Enforcement

- A. Stop work order** - same as existing process
- B. Correction notice** – cite provisions violated and required correction(s) to bring project into compliance

Enforcement

A. Citation – if violation for which a correction notice has been issued is not correct, or if the same responsible party is found to have violated any provision of the ordinance on a different project, BDS can issue a citation

B. Responsible party can include:

- property owner
- person authorized to act on owner's behalf
- Demo Manager
- "Any person causing or contributing to a violation" of the ordinance
- Discretion of inspector on who will be cited as "responsible party"



Enforcement

Fines

- 1st offense: \$5,000
- 2nd offense: \$10,000
- 3rd offense: \$15,000