

Model DEMOLITION WASTE AND DECONSTRUCTION BYLAW
BYLAW NO. [XX]

This Model Bylaw is for reference purposes only. It is recommended that prior to using the Model Bylaw, or any portions, that legal review and advice is obtained.

Acknowledgment: The template for this Model Bylaw is the City of Victoria Bylaw No. 22-062: Demolition Waste and Deconstruction Bylaw.

DEMOLITION WASTE AND DECONSTRUCTION BYLAW

A BYLAW OF [MUNICIPALITY]

The purposes of this Bylaw are to regulate, prohibit, and impose requirements to ensure that waste and reusable materials resulting from demolition work are managed in a manner that enhances and protects the wellbeing of the community and to ensure the efficient use of waste disposal and recycling services.

Contents

1	Title
2	Definitions
3	Waste Management Fee and Fee Refund
4	Signage
5	Prohibition
6	Inspections
7	Offences
8	Penalties
9	Severability
10	Definitions in Relation to this Part
11	Repeal of Transition Provision
12	Commencement

Under its statutory powers, including sections [numbers] of the [municipality's Charter], the [Council of the Corporation or equivalent] of [municipality] in an open meeting assembled enacts the following provisions:

PART 1 - INTERPRETATION

Title

- 1 This Bylaw may be cited as the "Demolition Waste and Deconstruction Bylaw".

Definitions

- 2 In this bylaw:

The following words have the same meaning ascribed to these terms in Division A, section 1.4 of the BC Building Code: basement, first storey, floor area, storey;

"above-ground floor area" means the sum of the floor area of each storey including the first storey and any upper storeys, but excluding the basement;

"Building Bylaw" means the [municipality's Building Regulation Bylaw] No. [XX];

"building official" has the same meaning ascribed to this term in the [municipality's Building Regulation Bylaw];

"Director" means the [municipality's Director of Engineering and Public Works or

equivalent] or their designated representative;

“rate adjustment” means a formula to calculate the reduced salvaging rate under section 3(4), as follows: salvaging rate minus kilograms of damaged or post-1960 wood divided by above-ground floor area, using a conversion of 1.4 kilograms per board foot;

“recycling” means the process of collecting, sorting, cleaning, treating and reconstituting materials that would otherwise be waste, and converting them into material that can be used for new products, and includes storage for such purpose;

“reuse” means further or repeated use of wood originating from work, and includes storage for such purpose but does not include recycling;

“salvaging” or “salvaged” means the removal of wood originating from work such that the materials are protected from damage and kept intact for:

- i. reuse;
- ii. sale or donation to a business or organization that resells or builds products using salvaged wood; or
- iii. donation to a charitable organization that reuses or sells for reuse salvaged wood and is registered under the *Income Tax Act* (Canada) or a non-profit organization to which section 149 of the *Income Tax Act* applies;

“salvaging rate” means the amount of wood required to be salvaged, as specified in Column 1, Table 1, Schedule C, in order to be eligible for a waste management fee refund;

“single family dwelling” or the equivalent term in the municipality] has the same meaning ascribed to this term in the [Zoning Bylaw or equivalent in the municipality];

“two-family dwelling” or the equivalent term in the municipality] has the same meaning ascribed to this term in the [Zoning Bylaw or equivalent in the municipality];

“waste management fee” means the fee amount specified in section 3(1)(b);

“waste management fee refund” means the partial or complete refund of a waste management fee calculated in accordance with Schedules A and C;

“wood” includes dimensional lumber from studs, joists, beams, posts, blocking, headers, sheathing, rafters and flooring with a moisture content of 20% or less and suitable for salvaging, but excludes particle board and medium-density fiberboard material;

“work” means activities that require a building permit under the [municipality’s Building Regulation Bylaw]; that includes the complete or near- complete removal of a structure through demolition, deconstruction, disassembly, or relocation of a:

- i. [single-family dwelling or the equivalent term in the municipality] constructed prior to 1960; or
- ii. [two-family dwelling or the equivalent term in the municipality] constructed prior to 1960;

"Zoning Bylaw" means the [Zoning Bylaw No. XX or equivalent in the municipality].

PART 2 - REGULATIONS

Waste Management Fee and Fee Refund

- 3 (1) A person who carries out or causes to carry out work must submit to the [municipality]:
- (a) a non-refundable administration fee of [\$500, or an amount deemed appropriate based on the administrative costs within your municipality] at the time of submitting an application for a building permit for work;
 - (b) a waste management fee of \$19,500 at the time of submitting an application for a building permit for work;
 - (c) a report within 90 days of completion of the work in the form prescribed in Schedule A; and
 - (d) supporting documentation listed in Schedule B attached with the report in subsection (c).
- (2) Notwithstanding [NTD: Applicable section for permit fee] of the [Building Bylaw or equivalent in the municipality], a person is not required to submit a separate building permit application fee for the work in addition to the fee under subsection (1) of this bylaw.
- (3) The holder of the building permit for work who has fulfilled the requirements under subsection (1) and met the salvaging rates to the satisfaction of the Director, is eligible for a waste management fee refund.
- (4) Where, prior to submitting a building permit application for the work, the amount of wood available for salvaging was damaged by natural disaster, fire, water, insect infestation, or other causes or was added to a structure after 1960, then:
- (a) the person may apply for a reduced salvaging rate by submitting supporting documentation listed in section iii., Schedule B, to the satisfaction of the Director; and
 - (b) the Director shall reduce the salvaging rate by applying the rate adjustment where, in the opinion of the Director, the criteria in this subsection (4) have been met.
- (5) No fee refund shall be issued under this part where the building permit for the work has expired pursuant to the [Building Bylaw or equivalent].

Signage

- 4 A person who carries out or causes to carry out work must post and provide proof of signage on the site of the work in accordance with Schedule D of this bylaw within 10 days of receiving a building permit for the work and maintain such signage on site for the duration of the work.

Prohibition

- 5 No person shall knowingly submit false or misleading information to a building official in relation to any waste management fee refund application or related documentation pursuant to this bylaw.

PART 3 – GENERAL

Inspections

- 6 (1) The Director, a [municipality] employee authorized by the Director, or bylaw officer may enter on or into property in accordance with [section XX, *Community Charter or equivalent in the municipality*], to inspect and determine whether all regulations, prohibitions, and requirements of this bylaw are being met.

(2) A person must not prevent, obstruct, or attempt to prevent or obstruct, an entry authorized under subsection (1).

Offences

[We advise municipalities that have ticketing bylaws or that have opted into the bylaw notice adjudication system to consider whether to make the model bylaw subject to ticketing and to the bylaw notice adjudication system]

- 7 (1) A person commits an offence and is subject to the penalties imposed by this bylaw and the [*Offence Act or equivalent in the municipality*] if that person:
 - (a) contravenes a provision of this bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this bylaw.
- (2) Each day that a contravention of a provision of this bylaw continues is a separate offence.

Penalties

- 8 A person found guilty of an offence under this bylaw is subject to a fine of not less than [\$100.00 or as deemed appropriate] and not more than [\$50,000.00 or as deemed appropriate] for every instance that an offence occurs or each day that it continues.

Severability

- 9 If any provision or part of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, it shall be severed from the bylaw and the balance of the bylaw, or its application in any circumstances, shall not be affected and shall continue to be in full force and effect.

Consequential Amendments to Ticket Bylaw and Bylaw Notice Adjudication Bylaw

- 10 [NTD We advise any municipalities that make the bylaw subject to ticketing under ticketing bylaws or the Bylaw Notice Adjudication System to make consequential amendments to their ticketing bylaws as appropriate.]

PART 4 - TRANSITION, REPEAL, COMMENCEMENT

Definitions in Relation to this Part

- 11 In this Part:

“development permit” means a permit issued under section 490 of the *Local Government Act*;

“multiple dwelling” or the equivalent term in the municipality] has the same meaning ascribed to this term in the [Zoning Regulation Bylaw No. XX or equivalent in the municipality].

Transition Provision

- 12 Section 3(1) does not apply if the person has an approved development permit to construct a [multiple dwelling or the equivalent term in the municipality] on the same site as an existing [single family dwelling or the equivalent term in the municipality] or [two family dwelling or the equivalent term in the municipality].

Repeal of Transition Provision

- 13 Sections 11 and 12 of this bylaw are repealed.

Commencement

- 14 This bylaw comes into force on [Date], except:
- (a) section 3(1)(b), which comes into force on [aforementioned date plus 12 months];
 - (b) section 13, which comes into force on [date in Section 14 (a) plus 21 months].

READ A SECOND TIME the [XX] day of [Month] 202[X]

READ A THIRD TIME the [XX] day of [Month] 202[X]

ADOPTED on the [XX] day of [Month] 202[X]

“First Name Last Name”
[MUNICIPAL CLERK or equivalent]

“First Name Last Name”
[MAYOR or equivalent]

SAMPLE

SCHEDULE A
MATERIAL SALVAGE AND DISPOSAL REPORT

Table 1: Project Information

Project address	
Building permit number	
Person or contractor who carried out the salvage	
Demolition or deconstruction completion date	
House relocated for use at another location (<i>check if applicable</i>): <input type="checkbox"/>	
Reporting in (<i>please check one</i>): Mass (kg or tonnes) <input type="checkbox"/> Volume (board ft.) <input type="checkbox"/>	

Table 2: Wood Salvaged for Reuse, Sale or Donation—if reporting in mass (kg or tonnes)

Load of wood	Name of entity receiving material or describe how material is being reused*	Date on receipt	Scale	Scale location	Net weight (kg or tonnes)
1					
2					
3					
...					
Total					
Salvage rate achieved <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> <u>Total tonnes salvaged for reuse, sale or donation</u> Above ground square metres </div> <div> x <u>1,000 kg</u> 1 tonne </div> <div> = <u> </u> kg square metres </div> </div>					

[*See definitions of “wood”, “reuse” and “salvaging” for acceptable wood, reuse activities or sale or donation entities]

Table 3: Wood Salvaged for Reuse, Sale or Donation—if reporting in volume (board feet)

Species	Thickness (inches)	Width (inches)	Length (feet)	Quantity	Total linear feet = length x quantity	Board feet = (thickness in inches x width in inches x linear feet) / 12	Name entity receiving material or describe how material is being reused*
					Total board feet:		
Salvage rate achieved							
$\frac{\text{Total board feet salvaged for reuse, sale or donation}}{\text{Above ground square metres}} = \frac{\text{board feet}}{\text{square metre}}$							

[*See definitions of “wood”, “reuse” and “salvaging” for acceptable wood, reuse activities or sale or donation entities]

Table 4: Salvaged Plywood (if applicable)

Quantity	Thickness (inches)	Width (feet)	Height (feet)	Name of entity receiving material

Table 5: Materials Sent for Disposal or Recycling

Load of mixed waste or other material sent to disposal	Material Disposed			
	Date	Material type	Facility	Metric tonnes or kilograms
1				
2				
3				
...				
Total:				

**SCHEDULE B
SUPPORTING DOCUMENTATION**

i. Wood salvaged for reuse, sale, or donation:

- Receipts for sale/donation of wood salvaged for reuse indicating contractor, business or organization name, quantity of wood and date*, or
- For wood stored for future reuse: address(es) of storage location(s) and contact information for site manager(s) at storage location(s), and
- Scale receipts for each load of wood sold, donated, or stored, indicating scale location, quantity of wood in kilograms or metric tonnes, and date
- A photo of each load of wood

OR, if the house as constructed was relocated for reuse:

- Documentation to demonstrate the move and the site to which the house was relocated

[See definition of “reuse” and “salvaging” for acceptable reuse activities or sale or donation entities]*

ii. Mixed waste or other material sent for disposal or recycling:

- Disposal or recycling facility tipping receipts indicating facility name, date, material type and quantity by load

iii. Evidence of damage to salvageable wood, or additions or alterations after 1960, if applicable:

- Quantity in board feet of wood that is damaged or was added after 1960
- Written description of the cause of damage (e.g., fire, water, insect infestation), or additions or alterations made after 1960)
- Building plans with dimensions indicating impacted area(s)
- Building permits for alterations and additions made after 1960 if applicable
- Photos clearly showing damaged wood in situ and the impacted area(s) within the structure, or areas that were added or altered after 1960, prior to demolition or deconstruction;
- Other information that in the Director’s opinion, is reasonably necessary for assessing the scope of damage, or additions after 1960.

SCHEDULE C
WASTE MANAGEMENT FEE REFUND

Table 1: Fee Refund

Column 1 – Salvaging rate: Amount of wood salvaged per unit of above-ground floor area	Column 2 - Amount of waste management fee refund
More than or equal to 40 kg or 28.3 board feet per square metre	100%
30 kg or 21.2 board feet to 39 kg or 27.5 board feet per square metre	75%
Less than 30 kg or 21.2 board feet per square metre	0%

SCHEDULE D
Sign Posting Procedures

1. The owner or owner's agent shall post the sign or signs in a prominent location, clearly visible from the street, and on the site that is subject to the work.
2. The owner or owner's agent shall provide proof of the posted signage to the [municipality] within 10 days of receiving a building permit for the work.
3. The [municipality] shall prepare the sign for the owner to use for the duration of the work. The sign must be returned to [municipality] within 10 days of the completion of the work. If the sign is damaged, lost or discarded, the owner is required to pay for the replacement of the sign.

The [municipality] reserves the right to request that the sign be removed from the site at any time during the work or for the period the demolition permit is active.