

**ORDINANCE NO. 58-2012**

**TITLE: AMEND BARBERTON DEVELOPMENT CODE  
DEMOLITION STANDARDS**

**AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY ADDING A NEW SECTION TO CHAPTER 1240, SECTION 1240.10, “DEMOLITION STANDARDS,” TO ENSURE SAFE DEMOLITION PRACTICES WITHIN THE CITY.**

**WHEREAS**, at the March 21, 2012, Planning Commission Meeting, the Planning Commission requested that City Council amend the Barberton Development Code by adding a new section regarding demolition standards; and

**WHEREAS**, a public hearing was held before City Council on March 21, 2012, regarding this text amendment.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That Council hereby amends Chapter 1240 of the Barberton Development Code by adding a new section, Section 1240.10 regarding “Demolition Standards,” which now reads as follows:

**CHAPTER 1240 Other Planning & Improvements Standards**

**Section 1240.10 Demolition Standards**

**(a) Purpose**

The purpose of these standards is to ensure safe demolition practices within the City, to protect adjoining sites, and the City as a whole, from the negative impacts of incomplete razing actions. These regulations apply to owners/contractors performing demolition, razing, grading, site clearance, and similar operations within the City of Barberton.

**(b) General Regulations**

**(1) Building Permit Required**

In accordance with Chapter 1444 of the City of Barberton Codified Ordinances, a Building Permit is required prior to the commencement of any razing/demolition work.

The Building Permit for a demolition shall be valid for ninety (90) days. Work must be completed within this timeframe. A one-time additional ninety (90) day extension may be granted provided that a written request is submitted to the Building Department seven (7) days prior to the expiration of the original ninety (90) day time allowance.

**(2) Performance Bond Required**

Owner/Applicant is required to post a Performance Bond with the City of Barberton in the amount of the contract for the demolition work plus ten (10%) percent at the time of Permit application.

### **(c) Standard Requirements for Structural Demolition**

(1) There shall be no remnants of structural demolition that include partial walls, beams, projections, partition walls, columns or similar items that are not specifically designed and engineered to act independently or support adjoining attachments/structures.

(2) Structures to be demolished that contain basements must have floors broken up into pieces not larger than one (1) square foot so that water cannot collect. The basement area shall be clean of all wood, combustibles, trash, spoil, debris, and all other questionable material. Only clean material may be used as backfill.

(3) All site concrete, including parking areas, driveways, aprons, and similar areas must be fully removed and restored with proper vegetation. Where aprons are removed, a curb conforming to City of Barberton Engineering Department standards shall be installed. Public sidewalk is required to be protected. Public sidewalk damaged due to demolition activity shall be restored to City of Barberton Engineering Department standards.

(4) Accessory Uses no longer in use, such as playgrounds, detached accessory structures, light poles, vacated utilities, underground storage tanks, cisterns, associated tank liquids, signs, and sign poles are required to be removed from the property.

(5) Both the sanitary and/or storm sewer leading from the building(s) being demolished must be sealed at the City right-of-way. It is responsibility of the owner/contractor to contact the City of Barberton Utilities Department for an inspection of the sealed sewer lines.

(6) It the responsibility of the owner/contractor to ensure that all utilities have been removed/disconnected at the demolition site. It is also the owner/contractors responsibility to ensure protection of all surrounding utilities and utilities that serve other parties. Utility poles and services that are to be no longer in use, whether located in the right-of-way, or not, are required to be removed by the owner/contractor.

(7) Upon completion of the demolition, sufficient grading and filling shall be done to bring the area up to an elevation that matches the immediate surrounding area. Should such backfill jeopardize the structural integrity of surrounding structures, an engineered design shall be required for backfill.

(8) Dead trees and brush shall be required to be removed from the demolition site.

(9) Walls over ten feet high of any length shall not remain standing after work hours unless adequate lateral support is provided.

(10) Where open excavations are left unfilled at the end of the work day, the owner/contractor shall be responsible for fencing that adequately barricades the open excavation.

(11) The contractor shall take whatever steps necessary to control dust during demolition and removal of any debris falling on the haul road or public streets and keep said streets clean and free of dirt and debris, protect storm water and keep all inlets free of debris

(12) The burning of combustible material at any time during demolition is strictly prohibited.

(13) The entire demolition site shall be cleared of all trash, junk, debris, rubbish, wood, spoil, fill, solid waste, hazardous waste, tires, furniture, toys equipment, and miscellaneous similar items at completion of site demolition.

(14) The owner/contractor is responsible for maintaining all traffic flow during demolition activities. Any attempts to alter traffic flow must be approved by the City of Barberton Safety Director.

(15) Salvage demolition or partial demolition shall not leave wholly or partially exposed structures unless a Building Permit has been issued for immediate construction repair or redevelopment at the site that affects the partially demolished structure.

(16) Construction, excavation, repair, demolition, or alteration of any building or street or operation of any construction machinery or equipment other than Monday through Saturday 7:00 a.m. to 7:00 p.m. is prohibited.

(17) Proof of proper/legal disposal may be required by the City of Barberton by submittal of disposal tickets from a landfill, transfer station, or other accepted facility.

(18) A final inspection is required to be performed by the Building Department upon completion of all demolition/final grading at the site.

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 3.** That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2012

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Clerk of Council

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President of Council

Approved \_\_\_\_\_ 2012

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Mayor