

VILLAGE OF WEYERHAEUSER

ORDINANCE 2021 - 1

REMOVAL OF SALVAGEABLE NON-STRUCTURAL MATERIALS FROM VACATED BUILDINGS

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1. PURPOSE

The purpose of this ordinance is to regulate the removal of salvageable materials from vacated buildings, not otherwise occurring as part of an approved demolition plan or for the purpose of remodeling, for any purpose other than personal re-use by the owner or personal re-use or required removal by a tenant of the property from which it was removed, without immediate functional replacement thereof.

2. AUTHORITY

This Ordinance is adopted by the powers granted to the Village under Wis. Stat. §61.34, its authority under §66.0415, and other authority under the statutes. Any amendment, repeal, or recreation of the statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal, or recreation.

3. DEFINITIONS

A.) Owner. The term "Owner(s)" shall mean the title holder(s) to real property on which stands any vacated building or structure from which any Salvageable Material is removed.

B.) Tenant. The term "Tenant(s)" shall mean a person or entity entitled by written agreement, to occupy the building or structure, or portion of the building or structure, from which any Salvageable Material is removed.

C.) Operator. The term "Operator(s)" shall mean any person, corporation, or other business entity or holder of a security interest that undertakes the removal of Salvageable Materials, or which directs or allows such removal, from a Vacated Building within the jurisdictional limits of the Village.

D.) Salvageable Material. The term "Salvageable Material(s)" shall mean real or tangible personal property that:

- a. is man-made;
- b. is affixed to real property or any improvement to real property;
- c. is detachable from real property or any improvement to real property; and
- d. is removed for potential or intended re-use, repurposing, or scrap.

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Such materials shall include any such materials that were detached from real property or any improvement to real property without a permit after the effective date of this ordinance.

- E.) Vacated Building.** The term “Vacated building(s)” shall mean a building or structure, or portion of a building or structure, that had a principal non-residential use as its most recent use allowed by law, which principal use has ceased. The cessation of the primary activities constituting the principle use shall be determinative of whether the principal use has ceased. The presence of personnel in the building or structure is not determinative of whether the use has ceased.

- F.) Code Official(s).** The term “Code Official” refers to the Village Building Inspector, Public Works Director (PWD), or Village Clerk/Treasurer.

- G.) Issuing Body.** The term “Issuing Body” refers to the Code Official in the case of Tier 1 permits and the Village Board in the case of Tier 2 permits.

4. EXCLUSIONS

This ordinance does not apply to the following:

- A.)** Salvaging operations at structures where its most recent allowable use by law was residential;

- B.)** Items/materials removed where replacement will occur as part of a remodeling process over time pursuant to a valid and subsisting building, heating, plumbing, or electrical permit;

- C.)** Salvaging operations that occur as part of an approved demolition plan, pursuant to a valid demolition permit or otherwise, in which the permit holder/Owner/Operator is obligated to complete said demolition within a specified time frame;

- D.)** Equipment, items, or supplies removed by the owner for personal re-use; and

- E.)** Equipment, items, or supplies owned and removed by the Tenant during the term of a written lease.

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D.) Any Operator involved in the violation of this Ordinance shall be found to have committed a separate violation for which it shall be fully liable, including applicable fines and penalties together with the Village's costs of enforcement, including attorney's fees.

17. ENFORCEMENT, FINES AND PENALTIES

The Building Inspector shall have the primary responsibility to enforce this Ordinance. Violations of this Ordinance shall be subject to the general provisions of Section 4 of these Ordinances. A fine of fifty and no/100 dollars (\$50.00) per day for each violation shall be administered upon the responsible party as described within this Ordinance. Any violation of this Ordinance or additional cleanup by the Village from salvage operations shall constitute a public nuisance and, in addition to any other remedies provided or allowed, the Village may apply to a court of competent and local jurisdiction for injunctive relief and the assessment of damages including attorney's fees and costs.

Any additional cleanup by the Village from salvage operations shall be billed to the Owner of the building or the security holder as a special assessment or special charge to the real estate tax bill.

18. REPORTING

Permit holders shall report to the Code Official in accordance with the reporting requirements specified in the permit as approved by the Issuing Body. These reports shall include the following:

- A.) Salvageable Materials report that identifies the type, quantity, and disposition of Salvageable Materials removed from the property during the reporting period and supporting documentation;
- B.) Hazardous wastes/materials report that identifies the type, quantity, and disposition of hazardous wastes/materials removed from the site during the reporting period. This report should be accompanied by supporting documentation of disposal, name, and contact information on haulers, and copies of any applicable permits/exemptions;

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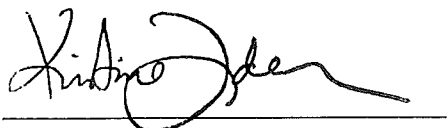
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- C.) Waste report that identifies the type, quantity, and disposition of waste materials removed from the site during the reporting period and supporting documentation;
- D.) Any instances of environmental monitoring performed during the reporting period and the results of same;
- E.) Supporting documentation of removal and disposition of materials which shall include weight tickets, bills of lading, sales receipts, chain of custody logs or equivalent documentation;
- F.) A statement by the permit holder that documentation supporting compliance with this ordinance will be maintained for two (2) years from submission of the reports;
- G.) A statement from the permit holder that the information in the reports is truthful and accurate.

19. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after passage and publication.

Approved at the monthly Village Board meeting of the Village of Weyerhaeuser, Rusk County, Wisconsin, this 14th day of April, 2021.



Kristine Snyder, Village Clerk



Tom Bush, Village President

