

AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 1470: DEMOLITION.

WHEREAS, the City of Avon Lake desires to establish a uniform and comprehensive process for the safe and environmentally responsible demolition of buildings and structures within City limits to protect the health, safety, and welfare of its residents; and

WHEREAS, the proposed Chapter 1470 includes requirements for permits, environmental safeguards, insurance and bonding, and demolition site restoration to ensure that demolition activities do not pose a risk to neighboring properties, residents, or the environment; and

WHEREAS, the City recognizes the necessity of adopting procedures that are consistent with federal, state, and local regulations, including the Ohio Environmental Protection Agency, the Ohio Building Code, and other relevant authorities, to promote responsible development and public safety; and

WHEREAS, the Building and Utilities Committee, in coordination with the Law Department and other relevant City staff, has thoroughly reviewed, developed, and recommended the adoption of Chapter 1470 to ensure responsible and regulated demolition practices in the City of Avon Lake; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Chapter 1470: Demolition, is hereby enacted, as shown on Exhibit A, which is attached hereto and made a part hereof.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/09/2025
2nd reading: 6/23/2025
3rd reading:

PASSED: 7/14/2025

/s/ Jennifer G. Fenderbosch
Council President

POSTED: 7/18/2025

APPROVED: 7/15/2025

ATTEST: /s/ Valerie E. Rosmarin
Clerk of Council

/s/ Mark A. Spaetzel
Mayor

CHAPTER 1470: DEMOLITION

1470.01 PURPOSE AND INTENT.

(a) The provisions of this chapter are intended to ensure that the demolition or destruction of buildings located within the City are performed in a manner that protects the health, safety, and well-being of the citizens of the City and their environment.

(b) Scope. The provisions of this chapter shall apply to all work in connection with the intentional demolition or destruction of all or less than all of any buildings or structures located within the City except an accessory building that is less than 15 feet in height, less than 225 square feet of area, and not serviced by any utility.

1470.02 DEFINITIONS AND USAGE.

Unless otherwise specified, terms used herein shall use and apply the definitions ascribed to such terms pursuant to Chapters 1246, 1410, and 1608 of the Codified Ordinances.

(a) "Accessory structure" as defined in ORC 3781.06.

(b) "Applicant" shall mean the owner or agent for the owner of a structure who has filed an application for the demolition of a structure as required by this chapter.

(c) "Approved fill material" shall include the following items: crushed concrete, clay, shale, gravel and/or sand. Additional materials may be accepted upon the submission to the City and review by the City Engineer. The following items may not be used: asphalt-based material, concrete and soils other than clay.

(d) "Building" and "Structure" as used herein are to be construed interchangeably and consistent with the definitions ascribed elsewhere in these Codified Ordinances.

(e) "Demolition Contractor" shall mean a person or entity which demolishes or removes a building or structure for a fixed sum, price, fee, percentage or other compensation and for which a permit is required pursuant to this Chapter.

(f) "Nonresidential building" as defined in ORC 3781.06.

(g) "Re-seed" means to cover the ground with an appropriate seed mixture, starter fertilizer, cover material (straw, hydroseed, peat moss, seed starter/mulch).

(h) "Residential building" as defined in ORC 3781.06.

1470.03 GENERAL.

(a) **Other Laws.** The provisions of this chapter are in addition to, and not intended to supplant or nullify, any of the generally applicable local, state, or federal rules, regulations, or ordinances regarding performing work within the City or the protection of persons or the environment at or near the location of such demolition or destruction.

(b) Submission of the Application and additional information necessary to obtain a Permit shall expressly acknowledge the role of the Building Department and its authority to investigate and inspect the demolition site at all

reasonable hours while work is being performed thereon to ensure compliance with the documents submitted to and approved by the City upon issuance of the permit.

(c) No structure to which this chapter pertains shall be wholly or partially demolished unless a permit has been issued in accordance with this chapter. All demolitions shall comply with applicable requirements of the Ohio Building Code, the Ohio Environmental Protection Agency, the State Fire Marshall, and the City Environmental Consultant.

1470.04 PERMIT REQUIRED – APPLICATION PROCESS.

(a) No permit shall be issued to the Applicant until all information required by this Section is submitted to the City, approved by the Building Department, and the Applicant has paid the fee required by City Ord. 208.01(b)(1). All permits shall be valid for 90 days.

(b) **Application.** The party applying for a demolition permit shall submit their application via OpenGov.com for review by the City. The application must be complete with all required information at the time of submittal for review. Any application missing required information will be rejected and a permit will not be issued. Applicants can submit a new application for consideration. The application shall include, but is not limited to, requests for the following information:

(1) Address of the structure to be demolished.

(2) The contact information for the owner of the structure, including name, address, telephone number(s), email address(es), and if the owner is a non-resident of Avon Lake, the owner's agent who will be immediately available in the event of an emergency to provide access to the property where the demolition is to occur.

(3) The contact information for the applicant, if other than the owner, including name, address, telephone number(s), email address(es), and if the applicant is a business entity, the contact information for the person in charge of the demolition process and authorizing the application to be submitted.

(4) If the structure is subject to any pending or unexpired judicial, governmental, or administrative action, order, or proceeding, complete information about such proceeding, including the nature of the proceeding, the tribunal where such proceeding is pending or completed, and the most recent order(s) or agreement(s) affecting the structure or property upon which it sits.

(5) The estimated date for commencement of demolition, and the estimated date of completion of demolition.

(6) Nature, location, and proof of termination of all utility connections to the structure.

(7) Complete contact information for all persons or entities expected to engage in any portion of the demolition work.

(8) Identification of all residential areas likely to be impacted by the demolition or destruction through noise, traffic, vibration, or air quality concerns.

(9) Identification of all hazardous, flammable material used or stored on site during demolition and pursuant to (Ohio Administrative Code Rule 1301:7-7-33 Fire safety) during construction and demolition.

(10) The extent of removal of the building footings/foundations, specifications on back-fill materials, ground elevations/topography after completion, means of preventing water accumulation, adjacent property protection, utility capping/disconnection information, etc. If footings/foundations are not to be removed, the specific reason(s) for such non-removal.

(11) Proof of insurance or insurance commitment in the amounts specified in this chapter.

(c) **Review.** Within 10 business days of receipt of the application by the City, the City shall have a conference with the applicant to discuss additional information required for issuance of the permit. Additional requirements may consist of one or more of the following:

(1) **Site Map.** A scaled site map containing detailed information concerning the location, construction, description, and condition of the structure to be demolished, the means of ingress and egress to the property and structure being demolished, the location of structures adjacent to the structure to be demolished, details of pedestrian/barriers as well as dimensions of interior property lines and/or streets. Fire Department access shall be maintained as per the city fire chief. Site Map should also indicate the Public Safety Meeting Point and First Aid locations if applicable.

(2) **Method of demolition to be used:** If explosives are used, as defined in OAC 1301.7-7-56, the plans shall include the type of explosives to be used, amount, storage plan, security plan for explosives and detonators, list of certified personnel to install and carry out the implosion, all of which must be approved by the City Fire Marshall prior to the demolition permit being issued.

(3) **Building/Service/Fire Protection details:** Information necessary for protection of the public and adjacent properties, including:

A Locations of portable fire extinguishers, maintaining required means of egress in the building during demolition.

B Plans for pedestrian or vehicular protection;

C Security plan to safeguard access to the structure once demolition begins; and

D Emergency response plan.

(4) **Hazardous Materials Plan:** Identification of all Hazardous materials present in the structure shall be provided along with a plan for abatement of such hazardous materials and clean up of the demolition site in accordance with Federal and State law and regulations.

(5) **Air Quality Monitoring Plan** pursuant to Ohio Revised Code Chapter 3745;

(6) **Dust Mitigation Plan** in accordance with Federal and State law.

(7) **Noise And Vibration Mitigation Plan.**

(8) **Baseline Soil Sampling Plan.**

(9) **Air Dispersion Modeling and Risk Assessment.**

(10) **Phase 1 Environmental Assessment.**

(11) **Pest Mitigation and Elimination Plan.** A certificate issued by a pest control operator certifying that the property to be demolished is free and clear of food products pests and/or rodent infestation or will be exterminated prior to demolition.

(12) **Site Cleanup Plan,** including specification of the intended disposition of rubble and building materials, including the identities of persons or entities responsible for removing the rubble and building materials and location where such materials will be taken for disposition. **The applicant shall clean up the demolition site to the level of the collected surficial soil sample pre-demolition. This sample shall be collected from the upper 6 inches.**

(13) **Restoration Plan** concerning the final grade or subsequent structures to be erected upon the site once demolition and cleanup have concluded.

1470.05 INSURANCE AND BOND.

(a) Insurance Requirements.

(1) Prior to the Demolition Contractor commencing any work or services with regards to the project, the coverage available shall not be less than:

A \$1,000,000 Each Occurrence, \$2,000,000 General Aggregate (subject to a per project general aggregate provision applicable to the project);

B \$1,000,000. Products/ Completed Operations Aggregate;

C \$1,000,000 Personal and Advertising Injury limits;

D Worker's Compensation and Employers' Liability Insurance: As required by law; providing coverage of not less than \$1,000,000 for bodily injury caused by accident and \$1,000,000 for bodily injury by disease;

E Business Auto Liability Insurance: Written in the amount of not less than \$1,000,000 Combined Single Limit; and

F \$5,000,000 Umbrella Limit.

(2) Such insurance shall cover liability arising from premises, operations, independent contractors, product-completed operations, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract). There shall be no endorsement or modification of the Commercial General Liability form arising from explosion, collapse, underground property damage or work performed by subcontractors. All coverage shall be placed with an insurance company duly admitted in the State of Ohio and shall be reasonably acceptable to Contractor. All insurance Demolition Contractor carriers must be "A" rated. Coverage shall be afforded to the Additional Insureds whether or not a claim is in litigation. **The City of Avon Lake shall be listed as additional insured.**

(3) Each Certificate of Insurance shall provide that the insurer must give the City of Avon Lake written notice of cancellation and termination of the Contractor's coverage. The Demolition Contractor shall supply the City of Avon Lake with a new and replacement Certificate of Insurance and Additional Insured endorsement as proof of renewal and

said original policy. Said new and replacement endorsements shall be similarly endorsed in favor of Contractor and Owner as set forth above.

(4) Additionally, and prior to commencement of the Work, the Demolition Contractor shall provide the City of Avon Lake with a Certificate of Insurance showing liability insurance coverage for any Subcontractor and any employees, agents, or Sub-Subcontractors of the Demolition Contractor for any General Liability, Workers' Compensation, Employer's Liability and Automobile Liability and Umbrella Liability. In the event any of these policies are terminated, Certificates of Insurance showing replacement coverage shall be provided to Contractor. Coverage and limits shall be no less than those required of the Demolition Contractor.

(5) Waiver of Subrogation: The Demolition Contractor shall obtain from each of its insurers a waiver of subrogation on Commercial General Liability in favor of the City of Avon Lake with respect to Losses arising out of or in connection with the Work.

(b) **Bonding Requirements.** A performance bond in an amount equal to the anticipated cost of the demolition shall be issued to the City prior to the issuance of the permit.

(c) The City reserves the right to modify the amounts of insurance required herein based upon the size, scope, and type of demolition being conducted.

1470.06 OTHER PERMITS, AUTHORIZATIONS AND CERTIFICATES.

A copy of each permit, application, authorization, or certification otherwise required by state or federal law, including but not limited to documents from the Ohio Environmental Protection Agency, State Fire Marshal, and OSHA, must be furnished to the Building Department. Failure to provide copies of all documents obtained from other governmental entities may result in refusal to issue or revocation of demolition permits.

1470.07 DEMOLITION PHASE.

(a) Upon issuance of the permit, work shall begin immediately and shall continue without undue delay in full compliance with the information submitted to the City and approved by the Building Department.

(b) Building Department Personnel may visit the site of the structure to be demolished at any time and upon reasonable notice to the person or entity identified as the Applicant to ensure that the demolition is occurring in compliance with the documents submitted to the City as part of the permit approval process.

(c) If required, the Applicant or person in charge of the demolition process shall provide air and water quality reports to the City within 48 hours following completion of the demolition or any significant portion thereof.

(d) No demolition work involving the release of dust into the air, sound or vibration traveling outside of the Property Lines upon which the structure to be demolished is located shall be performed except between the hours of 7:00 a.m. and 8:00 p.m. daily, excluding legal holidays, Sundays and inclement weather days. The Mayor may approve exceptions to these specified times only upon written request from the Applicant and a demonstrated need to vary from the set hours.

(e) Standards.

(1) All utility services shall be disconnected and equipment removed by the utility companies. (Contractor to notify utility companies).

(2) All rubbish, debris, lumber, glass or other materials from a razed or demolished building shall be removed upon completion of demolition.

(3) Unless new, approved construction is to begin immediately upon demolition completion, cavity left after removal of structure should be filled with approved fill material to a level two feet below existing ground level.

(4) From two feet below existing ground level to existing ground level, the cavity shall be filled with clean fill material and compacted to provide for proper drainage after settlement.

(5) Topsoil shall be evenly spread over entire site to a depth of approximately four inches and graded to conform to adjacent properties.

(6) Area shall be re-seeded using a mixture of 50/50 rye/bluegrass at a rate of 5 pounds per 1,000 square feet and raked to incorporate seed into soil.

(7) Basements, Swimming Pools, Vault Spaces, and Cesspools:

A Liners should be cut out and removed.

B Floors shall be broken up for proper drainage.

C Walls shall be reduced to two feet below existing ground level.

D Sanitary and storm sewers and drains and inlet pipes shall be plugged at the outlet or discharge point with concrete.

(8) **Underground Storage Tanks** shall be completely removed and disposed of in accordance with Federal and State requirements. Soil surrounding storage tank shall be tested for presence of hazardous materials after removal of the tank and tested by the City's Environmental Consultant prior to filling the cavity with noncombustible materials before covered with topsoil and re-seeded.

(9) Any person demolishing a building or part thereof shall erect barricades as specified by the Building Department and shall provide lights at the barricades between sunset and sunrise.

1470.98 ENFORCEMENT.

(a) It shall be unlawful for any person to violate any provision, or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Building Department, through the City's Law Department, may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations, or compelling the person to perform abatement or remediation of the violation.

(b) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is considered a threat to public health, safety, and welfare, and is declared

and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

1470.99 PENALTY.

(a) Whoever violates or fails to comply with any provision of this chapter shall be guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. Each day's continuance of a violation shall be considered a separate offense and may result in bond forfeiture if not corrected within thirty (30) days.

(b) Failure to follow the Demolition Plan submitted to and approved by the City shall be considered a violation of this chapter and may, in addition to any fines or other penalties, result in revocation or suspension of the permit and bond forfeiture.

(c) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable Federal, State or local laws, and it is within the discretion of the City to seek cumulative remedies. authority on behalf of the City to administer and enforce the provisions of this code.