

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF WOODLAND ADDING ARTICLE XIII OF CHAPTER 23C TO THE WOODLAND MUNICIPAL CODE REGARDING CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND DIVERSION

The City Council of the City of Woodland does ordain as follows:

1. Purpose. The purpose of this ordinance is to increase the amount of construction and demolition debris that is recycled or reused and to reduce the amount that is disposed of in the landfill. Under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), the City is required to prepare, adopt, and implement source reduction and recycling elements to reach reduction goals. The City is also required to divert fifty percent (50%) of materials from the landfill annually, under the threat of penalties. Construction and demolition debris contributes a substantial amount to the landfill, much of which is particularly suitable for recycling.

2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

3. Addition of Chapter 23C, Article XIII. Article XIII to Chapter 23C is hereby added to the City of Woodland Municipal Code to read as follows:

CHAPTER 23C.

UTILITY SERVICES

Article VIII. Construction and Demolition Debris Recycling and Diversion

Section 23C-13-1. Definitions.

Unless otherwise indicated, the following definitions shall apply to all provisions of this article:

Administrative Fee means a non-refundable fee submitted by the applicant to the City as described in Section 23C-13-4. This fee shall be deposited in the City's Solid Waste Fund to cover costs associated with this article.

Applicant means any individual, firm, contractor, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever that applies to the City for the applicable permits to undertake any construction or demolition project within the City.

Compliance Official means the staff person(s) designated by the Public Works Director authorized and responsible for implementing this article.

Construction means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

Construction and Demolition Debris means:

- (1) Discarded materials generally not considered water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, wallboard, roofing materials, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soil, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping, and development operations for a construction project.
- (2) Clean cardboard, paper, plastic, wood, and metal scraps from any construction project.
- (3) Other non-hazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

Demolition means the decimating, razing, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

Deposit means a cash dollar amount provided to the City at the time of submitting the Waste Reduction and Recycling Plan. Refunds of the deposit (without interest) are dependent on the level of compliance with this article as described in Section 23C-13-8. Forfeited deposits shall be deposited in the City's Solid Waste Fund and will be used to implement the City's recycling program.

Designated Recyclable and Reusable Materials includes, but is not limited to:

- (1) Masonry building materials including all products generally used in construction including, but not limited to, asphalt, concrete, rock, stone, mortar, and brick.
- (2) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, contaminated, or painted.
- (3) Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames, and fences.
- (4) Roofing materials, including wood shingles as well as asphalt, metal, stone and slate based roofing materials.
- (5) Salvageable materials includes all salvageable materials and structures including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, bath tubs, and appliances.

Divert means to use material for any purpose other than disposal in a landfill.

Project shall have the meaning set forth in Section 23C-13-2 of this article.

Project Site means a lot or parcel where demolition, construction, addition, or alteration is proposed. In the case of a residential subdivision under construction, “project site” means the parcels proposed for development in a particular phase by a homebuilder.

Recycling means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

Renovation means any change, addition, or modification in an existing structure.

Reuse means further or repeated use of construction or demolition debris.

Waste Reduction and Recycling Plan means a completed City-provided form submitted before the issuance of a building and/or demolition permit, approved by the Compliance Official for the purpose of compliance with this article.

Waste Reduction and Recycling Report means a completed City-provided form submitted quarterly and after demolition or construction, as a precedent to final inspection and issuance of any certificate of occupancy, approved by the Compliance Official for the purpose of compliance with this article.

Section 23C-13-2. Applicability of Article.

Projects subject to the requirements of this article include any project which consists of one or more of the following:

- (1) Demolition of a building or structure, or a portion thereof, that is equal to or greater than 1,000 square feet (residential, commercial, industrial, or institutional).
- (2) Construction of a new commercial, industrial, or institutional building or structure that is equal to or greater than 1,000 square feet.
- (3) Construction of new residential dwellings in a subdivision where a homebuilder has a construction phase that includes multiple residential lots (three or more) under construction at a given time.
- (4) Construction of new multifamily dwellings where four or more units are under construction at a given time.
- (5) Addition or alteration of a commercial, industrial, institutional, or multifamily building or structure that is equal to or greater than 1,000 square feet.
- (6) All construction projects, regardless of the size, within the Spring Lake Specific Plan Area.

Section 23C-13-3. Exemptions.

The following projects shall not be subject to the provisions of this article:

- (1) Demolition of a building or structure, or a portion thereof, that is equal to or less than 999 square feet.
- (2) Construction of one or two single family homes.
- (3) Addition or alteration of single family homes.
- (4) Addition or alteration of a commercial, industrial, institutional, or multifamily building or structure that is equal to or less than 999 square feet.
- (5) Emergency work (demolition, construction, addition, or alteration performed in conjunction with an emergency or a building/structure deemed substandard by the CA Building Code through the Chief Building Official).
- (6) A project contaminated by hazardous substances or waste as defined by state or federal law.

Section 23C-13-4. Administrative Fee.

A non-refundable administrative fee will be charged for each building or demolition permit in an amount as may be established by city council resolution to cover the cost for all city expenses incurred in administering this article.

Section 23C-13-5. Deposits.

- (a) **Single Plan Deposit:** For applicants that do not have any other current Waste Reduction and Recycling Plans with the City, a one thousand dollar (\$1,000) deposit must be submitted with the Waste Reduction and Recycling Plan. The terms of receiving a refund of the deposit are described in Section 23C-13-7(c) and Section 23C-13-8(c).
- (b) **Multiple Plan Deposit or Previous Non-Compliance Determination Deposits:** For applicants that have current Waste Reduction and Recycling Plans with the City, the deposit amount will be based on the applicant's level of diversion for their existing Waste Reduction and Recycling Plans. A one thousand dollar (\$1,000) deposit will be required if the applicant is achieving the fifty percent (50%) diversion requirement for their existing Waste Reduction and Recycling Plans based on quarterly diversion reports. For applicants that have three current Waste Reduction and Recycling Plans submitted to the City and that are achieving the fifty percent (50 %) diversion requirement for all projects, no additional deposit will need to be provided to the City for subsequent Waste Reduction and Recycling Plans as long as the applicant stays in compliance with their existing plans. A deposit of three percent (3%) of the total project value, not to exceed ten thousand dollars (\$10,000), will be required if the applicant is not achieving the fifty percent (50%) diversion for their existing Waste Reduction and

Recycling Plans based on quarterly diversion reports or if the applicant has not submitted the required reports.

- (c) Applicants receiving a Non-Compliance determination for previous Waste Reduction and Recycling Reports will be required to submit a three percent (3%) of total project value, not to exceed ten thousand dollars (\$10,000), deposit on five subsequent projects following the Non-Compliance determination. Upon the Compliance Officials determination that the applicant has complied with this article for the five projects, the applicant shall not be required to comply with the 3% deposit provision (and will only be subject to the \$1,000 deposit requirement), unless a new violation of this article has occurred. Refunds of deposits are described in Section 23C-13-8(c).

Section 23C-13-6. Diversion Requirements.

Fifty percent (50%) of construction and demolition debris generated from every applicable construction, remodeling, or demolition project shall be diverted from going to landfills by using recycling, reuse, and diversion programs. Separate calculations and reports will be required for the construction and demolition portions of projects that involve both activities.

Section 23C-13-7. Information Required Before Issuance of Building or Demolition Permit.

- (a) **Submittal of Waste Reduction and Recycling Plan:** Every applicant shall submit a properly completed “Waste Reduction and Recycling Plan” as provided by the City as a requirement of the building or demolition permit process. The plan shall be submitted as part of the building permit application packet. The Waste Reduction and Recycling Plan can cover multiple building permits for lots where construction activity is occurring at the same time by the same applicant. Separate Waste Reduction and Recycling Plans must be submitted for each batch of building permits requested. The applicant must provide information on the form that identifies project information and materials to be recycled and/or disposed of and facilities or service providers to be used. An administrative fee for each requested building or demolition permit and a deposit must be submitted with the Waste Reduction and Recycling Plan.
- (b) **Approval of Waste Reduction and Recycling Plan:** Notwithstanding any other provisions of this article, no building or demolition permit shall be issued for any project as defined in Section 23C-13-2 unless and until the Compliance Official has approved the Waste Reduction and Recycling Plan. The Compliance Official shall only approve a Waste Reduction and Recycling Plan if he or she determines that it contains all of the information set forth in subsection (a). If the Compliance Official determines that all of the above conditions have been met, he or she shall mark the Waste Reduction and Recycling Plan “Approved”, return a copy of the plan to the applicant, and notify the Community Development Department that it has been approved.
- (c) **Denial of Waste Reduction and Recycling Plan:** If the Compliance Official determines that the Waste Reduction and Recycling Plan is incomplete he or she shall return it to the applicant marked “Denied, Further Explanation Required”. The applicant

must then submit additional information before the Waste Reduction and Recycling Plan can be reviewed and the building or demolition permit issued. The applicant may resubmit the Waste Reduction and Recycling Plan within forty-five (45) calendar days without forfeiting the administrative fee. In addition, the deposit will be retained until the completion of the construction project unless the applicant does not seek a building or demolition permit at which time the applicant will need to provide a written request for the refund of the deposit. If a Waste Reduction and Recycling Plan is submitted after forty-five (45) calendar days, the original administrative fee is forfeited and an additional administrative fee (\$100 per permit) will need to be submitted before the Waste Reduction and Recycling Plan can be reviewed and the building or demolition permit issued.

Section 23C-13-8. Compliance with Diversion Requirements.

- (a) **Inspection Authority:** During demolition or construction, the Compliance Official may inspect project sites to determine compliance with the Waste Reduction and Recycling Plan. The applicant, if requested, must supply proof of recycling within five (5) business days. Failure to comply with the Waste Reduction and Recycling Plan during construction or demolition may be grounds for issuance of a “stop work” order and/or issuance of administrative citations. Each day that the applicant fails to comply with the requirements of this section constitutes a separate offense. Only the collection of recyclables containing less than 10 percent of solid waste will be considered “recycling” (otherwise it will be considered “solid waste”). Solid waste can only be collected and transported by the City’s franchise solid waste hauler.

- (b) **Proof of Diversion.** Recyclables must be diverted from the landfill in order to meet the requirements of this article. Applicants will be required to submit proof of compliance quarterly and at the end of each project to demonstrate compliance with the project specific Waste Reduction and Recycling Plan. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the Compliance Official before issuance of a building permit for the construction project. Quarterly reports shall be submitted each April 30, July 30, October 30, and January 30 (or as determined by the Compliance Official) and are to cover the previous three calendar months (January through March, April through June, July through September, and October through December). End of project reports are to be submitted at the end of the project as a precedent to final inspection and certificate of occupancy. End of project reports must cover the period from the last quarterly report to the end of the project. Proof of compliance to be submitted with quarterly and end of project reports includes:
 - (1) Submittal of a completed City-provided Waste Reduction and Recycling Report
 - (2) Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material (recyclables and solid waste). Each receipt must clearly state the project title and date. If the receipt provides information for multiple projects, the project titles and the amounts of material for each project must be clearly identified.

- (3) Weight slips/count of material salvaged or reused in current project. Each receipt must clearly state the project title and date. If the receipt provides information for multiple projects, the project titles and the amounts of material for each project must be clearly identified.
- (4) Any additional information needed to support a good faith effort determination.

Failure to comply with this section and the Waste Reduction and Recycling Plan during construction or demolition may be grounds for issuance of a “stop work” order and/or issuance of administrative citations. Each day that the applicant fails to comply with the requirements of this section constitutes a separate offense. The Compliance Official may request additional information to determine compliance during the review of the quarterly or end of project reports. This information must be provided by the applicant to the Compliance Official within five (5) business days.

(c) **Determination of Compliance and Refund of Deposit:** The Compliance Official shall review the end of project Waste Reduction and Recycling Report within thirty (30) calendar days and determine whether the applicant has complied with the diversion requirement, as follows:

- (1) **Full Compliance:** The Compliance official will notify the applicant and Community Development Department if they determine that the diversion requirements have been met. The cash deposit shall be returned, without interest, within thirty (30) calendar days of the compliance determination.
- (2) **Good Faith Effort to Comply:** If the Compliance Official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this article. In making this determination, the Compliance Official shall consider the availability of markets for the construction debris landfilled, the size of the project, and the documented efforts of the applicant to divert construction debris. The applicant and Community Development Department will be notified if this determination is made. A partial (50%) refund of the deposit will be issued to applicants receiving a “Good Faith Effort to Comply”. The partial refund will be issued within thirty (30) calendar days of the compliance determination.
- (3) **Non-Compliance:** If the Compliance Official determines that the applicant has not made a good faith effort to comply with this article no refund will be issued. The deposit shall be forfeited entirely for failure to comply with the requirements of this article. Any deposit that is forfeited shall be deposited in the Solid Waste Fund and will be used to implement the City’s recycling program. Applicants that have received a “Non-Compliance” determination will be required to post a deposit that is three percent (3%) of the total cost for the applicant’s next five consecutive Waste Reduction and Recycling Plans (not to exceed \$10,000 for each plan) as described in Section 23C-13-5(b). Projects that have been constructed without the submittal and compliance with a Waste

Reduction and Recycling Plan shall be subject to a one thousand dollar (\$1,000) penalty. Funds received from penalties shall be used to implement the City's recycling program and deposited in the Solid Waste Fund.

Section 23C-13-9. Appeal.

- (a) **Submittal of Written Appeal.** Any person wishing to appeal a decision made under this article must file a written appeal to the City Clerk. Such written appeal must be hand-delivered or placed in the U.S. mail, properly addressed with postage prepaid, within ten (10) calendar days of the date the written decision is mailed to the applicant. Any such appeal shall be accompanied by fees as prescribed in the current Fee Schedule as adopted by the City Council.
- (b) **Description of Compliant.** The appeal shall set forth the action or decision complained of, the reason(s) alleging that the action or decision should be altered or overruled, and shall be signed by the applicant or their authorized agent.
- (c) **Appeal Hearing.** The city clerk shall set the appeal for hearing before the Solid Waste Committee within forty-five (45) days after the appeal is filed. Upon hearing the matter, the Solid Waste Committee may grant, conditionally grant, or deny the appeal. The decision on the appeal shall be announced at the close of the hearing and shall become final at that time.

Section 23C-13-10. Severability.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The City Council declares that it would have adopted this article, including every section, subsection, sentence, clause and phrase, irrespective of whether one or more sections, subsections, sentences, clauses or phrases is held invalid.

4. Effective Date and Notice. This ordinance shall take effect sixty (60) days after its adoption, and within fifteen (15) days after its passage shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council of the City of Woodland this 18th day of July, 2006, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

David M. Flory, Mayor

ATTEST:

Susan L. Vannucci, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney