Subchapter Five: Recycling and Diversion of Construction and Demolition Debris

5.05.010 Finding and Purpose.

The City Council of the Town of Colma hereby finds and determines that the Town is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals it is necessary that the Town promote the reduction of solid waste and reduce the stream of solid waste going to land fills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), Colma is required to prepare, adopt and implement source reduction and recycling elements to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, under the threat of penalties of $10,000 per day; that debris from demolition and construction of buildings and tenant upgrades represents a portion of the volume presently coming from Colma, and that much of said debris is particularly suitable for recycling; that Colma' s commitment to the reduction of waste and to compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials; the City Council recognizes that requiring demolition and construction debris to be recycled and reused may in some respects add modestly to the cost of demolition and in other respects may make possible some cost recovery and cost reduction; and that it is necessary in order to protect the public health, safety and welfare that the following regulations be adopted.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.020 Definitions.

For purposes of this chapter the following definitions apply:

(a) "Builder" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in the Town of Colma.

(b) "Construction" means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of Designated Recyclable and Reusable Materials as defined in paragraph D below.

(c) "Demolition and Construction Debris" means:

(1) Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, 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, and including rocks, soils, 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 and/or landscape project.

(3) Non-construction and demolition debris wood scraps.

(4) Deminimis amounts of other non hazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

(5) Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

(d) "Designated Recyclable and Reusable Materials" means:

(1) Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick.

(2) Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.

(3) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.

(4) Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.

(5) Roofing Materials including wood shingles as well as asphalt, stone and slate based roofing material.

(6) "Salvageable Materials" including but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.030 Salvage and Recovery.

Prior to demolition, the Builder shall make each structure planned for demolition available for salvage and recovery and shall recover the maximum feasible amount of designated recyclable and reusable materials. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged materials may be given or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale. Title to recyclable materials forwarded to the operator of recycling facilities or of a landfill that is under contract to the cities in southern San Mateo County will transfer to the service provider upon departure of materials from the site.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.040 Diversion Requirements.

(a) The Builder shall divert at least the following specified percentages of the waste tonnage of demolition and construction debris generated from every demolition, remodeling and construction project from going to land fill by using recycling, reuse and diversion programs:

(1) Demolition: fifty percent (50%) of waste tonnage for projects which include concrete and asphalt waste, or fifteen percent (15%) of waste tonnage for projects which do not include concrete and asphalt waste;

(2) Re-roofing of homes with shingles or shakes as a separate project: fifty percent (50%) of waste tonnage;

(3) Construction and Remodeling: fifty percent (50%) of waste tonnage.

(b) Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.050 Information Required Before Issuance of Permit.

(a) Every applicant shall submit a properly completed "Recycling and Waste Reduction Form", on a form as prescribed by the Building Department, to the Building Department as a portion of the building or demolition permit process. The form shall contain an accurate estimate of the tonnage or other specified units of construction and/or demolition debris to be generated from construction and demolition on the site. Approval of the form as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

(b) The City Building Official shall, within 30 calendar days after the City has received an application for a construction or demolition project, determine, in writing, whether such application is complete and shall promptly transmit such determination to the applicant to the address indicated on the application form. In the event that the application is determined not to be complete, the City Building Official shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.060 Deposit Required.

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post a cash deposit in the amount of fifty dollars ($50.00) for each estimated ton of construction and/or demolition debris, but not less than one hundred dollars per unit for

residential projects or one thousand dollars ($1,000.00) for commercial, industrial or other projects. The deposit or cash bond shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the building official, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and /or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required are diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely or to the extent that there is a failure to comply with the requirements of this chapter.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.070 Administrative Fee.

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall pay to the Town a cash fee sufficient to compensate the Town for all expenses incurred in administering the permit. The amount of this fee shall be determined in accordance with the then current resolution of the City Council determining the same, and shall be specified in the Town's Master Fee Schedule.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.080 On Site Practices.

During the term of the demolition or construction project, the Builder shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the Building Department that can be converted to tonnage. The Building department will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and disposed from the project. The required diversion of a minimum of the required percentages of the demolition and construction debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. To the maximum extent feasible on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials which cannot be chipped or ground shall not be placed in such boxes. On-site separation shall be undertaken for wallboard to the extent feasible on new construction.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.090 Reporting.

Within sixty (60) days following the completion of the demolition project, and again within sixty (60) days following the completion of the construction project, the Builder shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the Building Department to establish compliance with the requirements of

Section 5.05.040. The documentation shall consist a final completed "Recycling and Waste Reduction Form" showing actual data of tonnage of materials recycled and diverted, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged or otherwise disposed of. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the Building Department before issuance of a building permit for the construction project. In the alternative, the permittee may submit a letter stating that no waste or recyclable materials were generated from project, in which case this statement shall be subject to verification by the Building Department. Any deposit posted pursuant to Section 5.05.060 shall be forfeited if the permittee does not meet the timely reporting requirements of this section.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004]

5.05.100 Violation a Public Nuisance.

Each violation of the provisions of this chapter shall constitute a public nuisance under section 2.01.040 of the Colma Municipal Code, and shall be subject to abatement as such, pursuant to the provisions of Chapter One, Subchapter Eleven of this Code, commencing with section 2.01.010 of the Colma Municipal Code. The costs of abatement of any such nuisance shall be a lien upon the property involved.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004

5.05.110 Penalties.

Any person violating any of the provisions of this subchapter shall be guilty of an infraction, which shall be punishable as set forth in section 1.05.010 et seq.

[*History*: ORD. 569, 2/9/2000; ORD. 611, 3/10/2004, ORD. 643, 4/12/06]