

ORDINANCE NO. 711

AN ORDINANCE OF THE CITY OF RANCHO CUCAMONGA ADDING A NEW SECTION 18.290 TO CHAPTER 18.19 OF THE RANCHO CUCAMONGA MUNICIPAL CODE, RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION WASTE

The City Council of the City of Rancho Cucamonga, California, does hereby ordain as follows:

WHEREAS, waste generated in construction and demolition projects accounts for a significant portion of the materials deposited in landfills; and

WHEREAS, a large percentage of such waste is composed of recyclable materials; and

WHEREAS, the City desires to implement a program to encourage the diversion of construction and demolition waste from landfill disposal; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RANCHO CUCAMONGA:

SECTION 1: The City Council of the City of Rancho Cucamonga hereby finds and determines that the City is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals it is necessary that the City promote the reduction of solid waste and reduce the stream of solid waste going to landfills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), Rancho Cucamonga 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 Waste from demolition and construction of buildings represents a large portion of the volume presently coming from Rancho Cucamonga, and that much of that waste is particularly suitable for recycling; that Rancho Cucamonga'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 Waste 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.

SECTION 2: Section 18.290 of Chapter 18.19 of the Rancho Cucamonga Municipal Code is hereby revised to read as follows:

18.19.290 Construction and Demolition Waste

A. For purposes of this Section, the following definitions apply:

1. "Contractor" 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 Rancho Cucamonga.
2. "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.
3. "Demolition and Construction Waste" means:
 - a. 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.
 - b. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.
 - c. De-minimis 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.
4. "Designated Recyclable and Reusable Materials" means:
 - a. Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick.
 - b. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
 - c. 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.
 - d. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes and fences.

- e. Roofing Materials including wood shingles as well as asphalt, stone and slate based roofing material.
- f. Salvageable Materials includes all salvageable materials and structures including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

- B.** Every structure planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition. It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition. 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.
- C.** At least the following specified percentages of the waste tonnage of demolition and construction Waste generated from every demolition, remodeling and construction project shall be diverted from going to land fill by using recycling, reuse and diversion programs:

Demolition:

Fifty – Seventy-five percent (50%-75%) of waste tonnage including concrete and asphalt, and fifteen percent (15%) of waste tonnage excluding concrete and asphalt.

Reroofing of homes with shingles or shakes as a separate project:

Fifty – Seventy-five percent (50%-75%) of waste tonnage.

Construction and Remodeling:

Fifty – Seventy-five percent (50%-75%) of waste tonnage.

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

- D.** Every applicant shall submit a properly completed "Recycling and Waste Reduction Form" from the C&D Guidelines Handbook, on a form as prescribed by the City Engineering Division, 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 Waste 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.

- E. As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste that may be delivered to a landfill, the applicant shall post a cash deposit in accordance with the scale section 3, but not less than five thousand dollars (\$5,000.00). All residential single family homes up to 4 units are exempt. 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 Waste 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 is 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.
- F. As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste that may be delivered to a landfill, the applicant shall pay to the City a cash fee sufficient to compensate the City for all expenses incurred in administering the permit. The amount of this fee shall be determined in accordance with the current resolution of the City Council determining the same.
- G. 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 contractor shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the Building Department, which proves compliance with the requirements of Section 18.19.040. 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 E shall be forfeited if the permittee does not meet the timely reporting requirements of this section.
- H. Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter 8.20 of this Code. The costs of abatement of any such nuisance shall be a lien upon the property involved.

SECTION 3:

- A. Except as otherwise specified in this Part, on July 1, 2002, each person who applies for a building permit pursuant to Chapter 17.010 of this Code shall apply for a construction and demolition waste clearance document to be issued by the Building Official. On or after July 1, 2002, no building permit shall be issued unless the applicant submits the clearance document issued by the Building Official.
- B. Except as otherwise specified in this Part, on or after July 1, 2002, each person who applies for a building permit pursuant to Chapter 17.010 of this Code shall remit a diversion deposit in the amount set forth by resolution of the City Council. The diversion deposit shall be remitted at the same time the permit application is files.
- C. Neither a construction and demolition waste clearance document nor a diversion deposit shall be required for the following:
- All residential single-family homes up to 4 units.
 - All construction projects of less than \$100,000 in value.
 - Roofing projects that do not include tear-off of existing roof.
 - Work for which only a plumbing permit, only an electrical or mechanical permit is required.
- D. Deposits as prescribed on a square footage basis:

<u>Square Footage</u>	<u>Total Deposit</u>	<u>Valuation</u>
1,000 - 9,999	\$ 5,000	>\$100,000
10,000 – 19,999	\$10,000	>\$100,000
>20,000	\$15,000	>\$100,000

SECTION 4:

- A. The Building Official may authorize the refund of any diversion deposit, which was erroneously paid or collected.
- B. The Building Official may authorize the refund of any diversion deposit when the building permit application is withdrawn or cancelled before any work has begun.
- C. The Building Official may authorize the refund of a diversion deposit when at least fifty percent (50%) of the waste generated by the project was diverted from landfill disposal.

- D. The Building Official may authorize a partial refund of a diversion deposit when less than fifty percent (50%) by weight of the waste generated by the project was diverted from landfill disposal. The partial refund shall not exceed that portion of the diversion waste bears to fifty percent (50%) by weight of the total waste generated.
- E. The Building Official shall not authorize the refund of any diversion deposit, or any portion thereof, unless the original building permit applicant files a written request for refund and provides documentation satisfactory to the Building Official in support of the request.

SECTION 5:

- A. For the purpose of this Part, "diverted" or "diversion" means a reduction of the amount of waste being disposed in landfills by any of the following methods:
 - B. Use of new construction method, as described in regulations promulgate by the Building Official, that reduce the amount of waste generated.
 - C. On-site re-use of waste.
 - D. Delivery of the waste from the site to a certified Recycling Facility described in Section 6.
 - E. Other methods as approved in regulations promulgated by the Building Official.
 - F. All of the waste diversion, methods which may qualify for a refund of a diversion deposit are subject to restrictions and documentation requirements set forth in regulations promulgated by the Building Official.

SECTION 6:

- A. For the purpose of this Part, a Certified Recycling Facility means a recycling, composting, materials recovery or re-use facility for which the State of California has issued a certification pursuant to regulations promulgated by the Building Official.
- B. The Building Official shall issue a certification only if the owner or operator of the facility submits documentation satisfactory to the Building Official:
 - 1. That the facility has obtained all applicable Federal, State, and local permits, and is in full compliance with all applicable regulations; and

2. The percentage of incoming waste from construction, demolition, and alteration activities that is diverted from landfill disposal meets the required minimum percentage set forth in regulations promulgated by the Building Official.
- C. The City shall make available to each building permit applicant paying a diversion deposit a current list of Certified Recycling Facility.

SECTION 7: Moneys received by the City as diversion deposits shall be used only for:

- A. Payment of diversion deposit refunds;
- B. Costs of administration of the program established by this Part;
- C. Cost of programs whose purpose is to divert from landfill disposal the waste from construction, demolition and alteration projects; and
- D. Costs of programs whose purpose is to develop or improve the infrastructure needed to divert from landfill disposal the waste from construction, demolition and alteration projects.

SECTION 8: If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 9: This Ordinance shall be posted in at least three public places within the City of Rancho Cucamonga and shall be effective from and after thirty (30) days following its adoption.

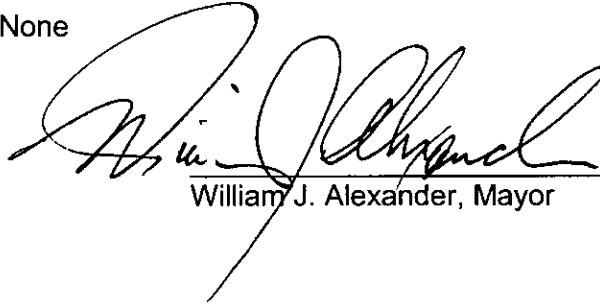
PASSED, APPROVED, AND ADOPTED this 6th day of August 2003.

AYES: Alexander, Gutierrez, Howdysshell, Kurth, Williams

NOES: None

ABSENT: None

ABSTAINED: None



William J. Alexander, Mayor

ATTEST:



Debra J. Adams, CMC, City Clerk

I, **DEBRA J. ADAMS, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Council of the City of Rancho Cucamonga held on the 16th day of July 2003, and was passed at a Regular Meeting of the City Council of the City of Rancho Cucamonga held on the 6th day August of 2003.

Executed this 7th day of August 2003, at Rancho Cucamonga, California.



Debra J. Adams, CMC, City Clerk