ORDINANCE NO. 1180

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO ADDING CHAPTER 8.54 TO THE SAUSALITO MUNICIPAL CODE TO PROVIDE CONSTRUCTION AND WASTE RECOVERY PROVISIONS

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.

CHAPTER 8.54 OF THE SAUSALITO MUNICIPAL CODE IS ADDED TO READ AS FOLLOWS:

CHAPTER 8.54 CONSTRUCTION AND DEMOLITION WASTE RECOVERY

Sections:

- 8.54.010 PURPOSE AND INTENT
- 8.54.020 APPLICABILITY
- 8.54.030 EXEMPT PROJECTS
- 8.54.040 RESOURCE MANAGEMENT PLAN PROCESSING AND PROCEDURES
- 8.54.050 WAIVER OF RESOURCE MANAGEMENT PLAN
- 8.54.060 INFEASIBLE EXEMPTION
- 8.54.070 SUBMISSION OF RECYCLING/REUSE DOCUMENTATION (RRD)
- **8.54.080 MONITORING**
- 8.54.090 FRANCHISED WASTE HAULER RESPONSIBILITIES
- 8.54.100 COMPLIANCE
- 8.54.110 EMERGENCY DEMOLITION PERMIT
- 8.54.120 ENFORCEMENT
- 8.54.130 SEVERABILITY
- **8.54.140 DEFINITIONS**

8.54.010 PURPOSE AND INTENT

The purpose and intent of the City Council in enacting the provisions of this Chapter are to:

- A. Provide uniform regulations that conform to the California Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq.) and Assembly Bill 939 that require each local jurisdiction in the state to divert fifty percent (50%) of discarded materials from landfills by December 31, 2000;
- B. Facilitate the City's efforts to reduce the amount of debris waste in local landfills;

C. Create a process that will divert at least fifty percent (50%) percent of all debris waste from most construction, demolition and renovation projects.

8.54.020 APPLICABILITY

The requirements of this Chapter shall apply to every Project within the City jurisdiction unless the Project is otherwise exempt in accordance with the provisions of Section 8.54.040 of this Chapter.

8.54.030 EXEMPT PROJECTS

Projects that are exempt from the provisions of this Chapter include only those that involve only a roofing permit, drywall repair and/or replacement and/or window replacements.

8.54.040 RESOURCE MANAGEMENT PLAN PROCESSING AND PROCEDURES

All Project Applicants shall complete and submit a Resource Management Plan (RMP), on a form approved by the Community Development Department as modified from time to time. The RMP shall be completed and submitted as part of the application package for any Project unless exempted or waived pursuant to the provisions of this Chapter.

The completed RMP shall include the following information:

- (1) The estimated volume or weight of debris, by materials type, to be generated;
- (2) The vendor and/or facility that the Applicant proposes to use to receive said materials; and
- (3) The estimated volume or weight of materials that will be landfilled.

The RMP form will be reviewed and processed by the Building Division prior to issuance of any permits for compliance with the provisions of this Chapter. Once approved, the RMP will be marked "approved," filed and a copy provided to the Applicant with the applicable City permits. If the Building Division is unable to approve the RMP, it will be returned to the applicant with a correction note and no permits will be issued until the revised RMP is able to be approved.

Compliance with the provisions of this Chapter shall be listed as a condition for initial permitting and as a condition of approval for the final inspection and/or final occupancy permit of any Project to which a permit was issued. Prior to issuance of a final inspection or final occupancy, the Applicant shall demonstrate compliance with the provisions of this Chapter per Section 8.54.070.

8.54.050 WAIVER OF RESOURCE MANAGEMENT PLAN

Submittal of a RMP form will be waived by the Community Development Director if a debris box is obtained from the City's franchised waste hauler. To qualify for this waiver, the Applicant shall submit a written agreement with said franchised waste hauler with the application package for any Project.

Prior to issuance of a final inspection or final occupancy, the Applicant shall demonstrate compliance with the diversion requirements by submitting documentation from the City's franchised waste hauler that the material was hauled off the site per the original agreement.

8.54.060 INFEASIBLE EXEMPTION

If the Community Development Director determines that it is infeasible for the Project Applicant to meet the Diversion Requirements due to unique circumstances, the Director shall determine the maximum feasible diversion rate for each material and shall issue a final inspection or final occupancy permit once it is determined that the maximum feasible diversion requirements are met. Factors used to determine infeasibility include, but are not limited to:

- (1) The majority of the demolition consists of non-recyclable material.
- (2) Hazardous material.

Factors used to determine the maximum feasible diversion requirements include, but are not limited to the following:

- (1) Applicant identification of material that is able to be recycled with a weight estimate.
- (2) Verification from the City's franchised waste hauler of the material's weight estimate.
- (3) Verification from a waste hauler to the facility to receive the materials stating its good faith weight estimate.

8.54.070 SUBMISSION OF RECYCLING/REUSE DOCUMENTATION (RRD)

Unless the Applicant has been granted a Waiver of a Resource Management Plan, an Infeasibility Exemption or the Project is exempt pursuant to the provisions of this Chapter, the Diversion Requirement shall be the maximum feasible diversion rate as determined by the Community Development Director. The Applicant shall submit a Recycling/Reuse Documentation (RRD) prior to the City performing a final inspection and shall include all of the following:

- (1) A copy of the Resource Management Plan;
- (2) Receipts or reports from the facility that received each material showing the weight of the material received. A collection facility must have a minimum diversion rate of 50% to issue complying receipts or reports;
- (3) Any additional information the Applicant believes is relevant to determining its efforts to comply in good faith with this Section.

Applicants shall make reasonable efforts to ensure that all Construction and Demolition Debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. For Construction and Demolition Debris for which weighing is not practical, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized Conversion Rates approved by the County of Marin Joint Powers Authority for this purpose as such rates may be amended from time to time.

8.54.080 MONITORING

This Chapter shall be monitored for effectiveness in promoting construction and demolition material recycling and reuse. Reporting to the Community Development Department by the City's franchised waste hauler will include an analysis of construction and demolition material recycling quantities and opportunities to increase service area coverage and recycling rates. An annual report shall be provided to the Community Development Department by the franchised waste hauler.

8.54.090 FRANCHISED WASTE HAULER RESPONSIBILITIES

This City Council has by separate action authorized a single franchised waste hauler to provide debris boxes within the City limits. Other vendors associated with the Project may not provide debris boxes for the Project. However, in association with their contracted activities, vendors may provide construction and demolition debris removal to an approved collection facility by means of motor vehicles.

All debris boxes removed from the City by the franchised waste hauler shall be disposed at an approved disposal facility. The franchise hauler will ensure that at least a 50% diversion rate for general disposal of construction and demolition waste has been achieved.

8.54.100 COMPLIANCE

The Community Development Director may withhold issuance of the final occupancy permit for any Project unless and until the Director has approved the Recycling/Reuse Documentation (RRD).

If the Community Development Director determines that the RRD is incomplete or fails to indicate that at least fifty (50) percent of all Construction and Demolition Debris generated by the Project will be reused or recycled, unless a lesser amount has been approved pursuant to this Chapter, the Director shall either:

- (1) Deny the final occupancy permit for any Project until adequate recycling/reuse documentation has been provided; or
- (2) Seek enforcement pursuant to this Chapter or,
- (3) Assess an administrative verification fee of \$500 to determine if the vendor used to haul off the material other than the franchised waste hauler has utilized an approved collection facility.

8.54.110 EMERGENCY DEMOLITION PERMIT

If emergency demolition is required to protect public health or safety, approval of a Resource Management Plan (RMP) to begin demolition activities shall not be required. However, the required Recycling/Reuse Documentation (RRD), minus the RMP, should be submitted as soon as feasible and is required before the final occupancy permit is issued. The Community Development Director shall only approve the RRD if it indicates that at least fifty (50) percent of

all Construction and Demolition Debris generated by the Project has been diverted or is deemed exempt by the Director.

8.54.120 ENFORCEMENT

Violation of any provision of this Chapter may be enforced pursuant to Sausalito Municipal Code Chapter 1.10, except the amount of any fine imposed shall be \$100 for the first day of violation, \$150 for the second day of the violation, \$200 for the third day of the violation, \$300 for the fourth day of violation, and \$500 for every day thereafter. No temporary occupancy or final inspection shall be provided until all fines are collected and the appropriate measures have been made to conform to this Chapter.

8.54.130 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City of Sausalito hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provision of this Chapter are declared to be severable.

8.54.140 DEFINITIONS

For the purposes of this Chapter 8.54 the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any Project within the City's jurisdiction.
- B. "City Community Development Director" means the City Director of the Planning, Building and Engineering Divisions as well as any designated staff person(s) authorized and responsible for implementing this Chapter.
- C. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- D. "Construction and Demolition Debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building, or other structure.
- E. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

- F. "Divert" means to use material for any lawful purpose other than disposal in a landfill or transformation facility.
- G. "Diversion Requirement" means the diversion of at least fifty percent (50%) of the total Construction and Demolition Debris generated by a Project via reuse or recycling.
- H. "Person" means a person, corporation, or partnership.
- I. "Project" means any activity, which requires an application for a building or demolition permit, or any similar permit from the City unless it is exempt from the application of this Chapter in accordance with Section 8.54.030.
- J. "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.
- K. "Recycling/Reuse Documentation" or an RRD shall mean a compilation of material that includes a copy of the approved Resource Management Plan (RMP), copies of receipts and/or reports from an approved collection facility that received the recyclable material demonstrating a minimum diversion rate of at least fifty percent (50%) of construction/demolition debris, and any other relevant information needed to determine good faith efforts to comply with this Chapter such as the submittal of volumetric measurements using the standardized Conversion Rates approved by the County of Marin Joint Powers Authority.
- L. "Renovation" means any change, addition, or modification in an existing structure.
- M. "Reuse" means further or repeated use of Construction or Demolition Debris.
- N. "Salvage" means the controlled removal of Construction or Demolition Debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.
- O. "Vendors" shall mean persons associated with the Project such as contractors, laborers and the applicant that personally haul materials off the site to a collection facility.
- P. "Resource Management Plan" (RMP) means a completed RMP form, submitted by the applicant and approved by the Community Development Department for the purpose of compliance with this Chapter.

SECTION 2.

CEQA findings. The City Council hereby finds that pursuant to the Public Resources Code Sections 21083 and 21087 and State CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) the adoption of this ordinance related to the recycling of construction and demolition materials is exempt from environmental review.

SECTION 3.

Effective date. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

SECTION 4.

Publication. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the 11th day of July 2006, and was adopted at a regular meeting of the City Council on the 25th day of July, 2006 by the following vote:

AYES:

Councilmembers: Albritton, Belser, Scremin, Vice Mayor Kelly, Mayor Albert

Councilmembers: None NOES: Councilmembers: None

ABSENT: ABSTAIN:

Councilmembers: None

ATTEST:

Mayor of the City of Sausalito