

**Chapter 15.52**  
**RECYCLING AND DIVERSION OF**  
**DEBRIS FROM CONSTRUCTION AND**  
**DEMOLITION**

**Sections:**

- 15.52.010 Findings and purpose.**
- 15.52.020 Definitions.**
- 15.52.030 Deconstruction and salvage and recovery.**
- 15.52.040 Diversion requirements.**
- 15.52.050 Information required before issuance of permit.**
- 15.52.060 Deposit required.**
- 15.52.070 Administrative fee.**
- 15.52.080 On site practices.**
- 15.52.090 Reporting.**
- 15.52.100 Violation a public nuisance.**
- 15.52.110 Penalties.**
- 15.52.120 Exemption from diversion requirements.**
- 15.52.130 Designation of approved mixed C&D recycling facility.**

\*Prior ordinance history: Ord. 506.

**15.52.010 Findings and purpose.**

The city council of the town 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 landfills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), Atherton 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 ten thousand dollars per day; that debris from demolition and construction of buildings represents a large portion of the volume presently coming from Atherton, and that much of said debris is particularly suitable for recycling; that Atherton'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. (Ord. 529 (part), 2002)

**15.52.020 Definitions.**

For purposes of this chapter the following definitions apply:

A. "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 Atherton.

B. "Covered project" means any project that has an estimated cost above fifty thousand dollars or will generate more than ten tons of construction and demolition debris.

"Covered project" shall not include:

1. drainage;
2. electrical;

3. encroachment;
4. excavation;
5. foundation;
6. grading;
7. mechanical;
8. plumbing;
9. landscape screening;
10. tree removal; or
11. new pools and spas

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. 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.

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 all salvageable materials and structures including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

E. "Mixed C&D recycling facility" means a facility that accepts mixed construction and demolition debris for the purpose of manually and/or mechanically sorting the material into recyclable components for the purpose of recycling a portion of the total material entering the facility.

F. "Approved mixed C&D recycling facility" means a facility which has been identified by the building official as having diversion rates, reporting mechanisms, and sorting systems which have the highest potential for helping the town achieve its diversion goals and policies. (Ord. 529 (part), 2002)

#### **15.52.030 Deconstruction and salvage and recovery.**

Every structure planned for demolition

shall be made available for deconstruction, salvage and recovery prior to demolition. No demolition shall commence until a period of ten working days has elapsed from the date of issuance of the demolition permit, in order to facilitate 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. 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. (Ord. 529 (part), 2002)

**15.52.040 Diversion requirements.**

It is required that at least the following specified percentages of the waste tonnage of demolition and construction debris generated from the following categories of covered projects shall be diverted from landfills by using recycling, reuse and diversion programs:

- A. Demolition:  
Sixty percent of total waste tonnage.
- B. Full residential reroofing projects:  
Fifty percent of waste tonnage.
- C. New construction:  
Sixty percent of waste tonnage.
- D. Alteration and additions:  
Fifty percent of total waste tonnage.

Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction. (Ord. 529 (part), 2002)

**15.52.050 Information required before issuance of permit.**

Every applicant shall submit a properly completed "recycling and waste reduction plan", on a form as prescribed by the building official. 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. (Ord. 529 (part), 2002)

**15.52.060 Deposit required.**

As a condition precedent to issuance of any permit that involves the production of solid waste destined to be delivered to a landfill and is identified as a covered project needing to comply with the diversion requirements of this chapter, the applicant shall post a cash deposit in the amount of fifty dollars for each estimated ton of construction and/or demolition debris to be recycled, but not less than one thousand dollars for all covered projects except residential reroofing projects, which shall be required to post a cash deposit of not less than five hundred dollars. 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

15.52.060

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 if there is a failure to comply with the requirements of this chapter. (Ord. 529 (part), 2002)

**15.52.070 Administrative fee.**

As a condition precedent to issuance of any permit for a covered project 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. (Ord. 529 (part), 2002)

**15.52.080 On site practices.**

During the term of the covered project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the building official that can be converted to tonnage. The building official 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. (Ord. 529 (part), 2002)

**15.52.090 Reporting.**

Within sixty days following the completion of any covered project, the contractor shall, as a condition precedent to the return of any cash deposits, submit documentation to the building official which proves compliance with the requirements of Section 15.52.040. Separate reports shall be required for the demolition and new construction phases of a covered project. The documentation shall consist of a final completed "recycling and waste reduction report" 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 official before issuance of a building permit for the construction project. Alternately, the permittee may submit a letter stating that no waste or recyclable materials were generated from the project, in which case this statement shall be subject to verification by the building official. Any deposit posted pursuant to Section 15.52.060 shall be forfeited if the permittee does not meet the timely reporting requirements of this section.

As required, the building official shall prepare a report that describes the number and type of permit issued; the number and type of projects covered by diversion requirements; the amount of deposit received; and the total tonnage generated and diverted from completed projects. (Ord. 529 (part), 2002)

**15.52.100 Violation a public nuisance.**

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. (Ord. 529 (part), 2002)

**15.52.110 Penalties.**

Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for not to exceed six months, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense. (Ord. 529 (part), 2002)

**15.52.120 Exemption from diversion requirements.**

A permit applicant may apply to the building official for an exemption to the diversion requirements of this chapter at the time of the submittal of the recycling and waste reduction plan. The recycling and waste reduction plan must still be filled out, with data indicating what diversion percentage the applicant considers feasible. In addition, a waiver request form must be completed that indicates the reasons the applicant is requesting an exemption from the diversion requirements. Exemptions will be considered

based on contamination by hazardous materials and low recyclability of specific materials. (Ord. 529 (part), 2002)

**15.52.130 Designation of approved mixed C&D recycling facility.**

The building official may identify individual facilities as an approved mixed C&D recycling facility and require contractors working on projects covered by the diversion requirements of this chapter to deliver non-source-separated construction and demolition materials to these facilities for the purpose of helping to increase town diversion rates and achievement of AB939 goals. (Ord. 529 (part), 2002)

