

**AN ORDINANCE OF THE TOWN OF WOODSIDE AMENDING CHAPTER 50 OF THE WOODSIDE
MUNICIPAL CODE, ADDING PROVISIONS RELATING TO
RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS**

The Town Council of the Town of Woodside, California, does hereby ordain as follows:

SECTION 1. Chapter 50 of the Woodside Municipal Code is hereby amended by adding the following new sections:

- 50.30 Findings and Purpose
- 50.31 Definitions
- 50.32 Deconstruction and Salvage and Recovery
- 50.33 Diversion Requirements
- 50.34 Information Required Before Issuance of Permit
- 50.35 Deposit Required
- 50.36 Administrative Fee
- 50.37 On Site Practices
- 50.38 Reporting
- 50.39 Violation a Public Nuisance
- 50.40 Penalties

50.30 FINDINGS AND PURPOSE

- a) The Town Council finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939), requires that each local jurisdiction in the state divert 50% of Solid Waste from landfill by December 31, 2000, through source reduction, recycling, and composting activities.
- b) The Town Council finds that every city and county in California, including the Town, could face fines up to \$10,000 a day for not meeting the above mandated goal.
- c) The Town Council finds and determines that the Town is committed to protecting the public health, safety, welfare and environment.
- d) 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.
- e) Debris from demolition and construction of buildings represents approximately one-third or more of the volume presently going to landfill from Woodside, and much of said debris is particularly suitable for Recycling.
- f) The Town finds that Reuse and Recycling of certain portions of Construction and Demolition Debris is essential to further the Town's efforts to reduce solid waste and comply with AB 939 mandates.

- g) The Town finds that, except in unusual circumstances, it is feasible to divert an average of at least sixty (60) percent of all Construction and Demolition Debris from Construction, Demolition, and Renovation Covered Projects.
- h) The Town Council recognizes that requiring Construction and Demolition 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.
- i) It is necessary in order to protect the public health, safety and welfare that the following regulations be adopted.

50.31 DEFINITIONS

For purposes of this chapter the following definitions apply:

- a) "Applicant" means any individual, firm, limited liability company, association, partnership, government agency, industry, public or private corporation, or any other person or entity whatsoever who applies to the Town for the applicable permits to undertake any Construction, Demolition, or Renovation for a Covered Project within the Town.
- b) "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, and who performs (whether as contractor, subcontractor or owner-builder) any Construction, Demolition, and/or Renovation of a Covered Project in Woodside.
- c) "Construction" means all building, landscaping, remodeling, addition, removal or demolition involving the use or disposal of Designated Recyclable and Reusable Materials as defined in subsection j below.
- d) "Construction and Demolition 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 Demolition 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.
- e) "Conversion Rate" means the rate set forth in the standardized Conversion Rate Table approved by the Town pursuant to this Article for use in estimating the volume or weight of materials identified in a Waste Management Plan.

- f) "Covered Project" means any Construction, Demolition, and/or Renovation of Covered Projects within the Town the total costs of which are, or are projected to be, greater than or equal to \$5,000, or which will generate more than ten (10) tons of Construction and Demolition Debris.
- g) "Deconstruction" means the soft demolition of any facility, structure, or building through a planned dismantling and salvaging of reusable materials and parts.
- h) "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 and/or the removal of landscaping materials, including green waste.
- i) "Deposit" means cash or a check in the amount of fifty dollars (\$50) for each estimated ton of Construction and/or Demolition Debris from a Covered Project, but not less than \$5,000.
- j) "Designated Recyclable and Reusable Materials" means that portion of Construction and Demolition Debris that includes the following:
 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. Earth materials, including dirt and rocks from land clearing activities in preparation for Construction.
 5. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.
 6. Roofing materials including wood shingles as well as asphalt, tile, stone and slate based roofing material.
 7. Salvageable materials and structures Including, but not limited to wallboard, doors, cabinets, shelves, furniture, plumbing and electrical fixtures, windows, fixtures, toilets, sinks, bath tubs and appliances.
- k) "Divert" means to use material for any purpose other than disposal in a landfill or transformation facility.
- l) "Diversion Requirement" means the diversion of at least sixty (60) percent of the total Construction and Demolition Debris generated by a Covered Project via Reuse or Recycling.
- m) "Project" means any activity which requires an application for a building or demolition permit or any similar permit from the Town.
- n) "Recovery" means the removal and reclamation of those materials from a Project that may have value if reused or recycled.
- o) "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.

- p) "Renovation" means any change, addition, or modification in an existing structure.
- q) "Reuse" means further or repeated use of Construction or Demolition Debris.
- r) "Salvage" means the controlled removal of Designated Recyclable and Reusable Materials from Construction and Demolition Debris, from a Covered Project, for the purpose of Recycling, Reuse, or storage for later Recycling or Reuse.
- s) "Waste Management Plan" means a completed Waste Management Plan (WMP) form, approved by the Town for the purpose of compliance with this Article, submitted by the Applicant for any Covered Project.
- t) "WMP Compliance Official" means the Town Manager or designated staff person(s) authorized and responsible for implementing this Article.
- u) "Waste Tonnage" means the actual weight of either Construction and Demolition Debris, or Designated Recyclable and Reusable Materials as used in this chapter.

50.32 DECONSTRUCTION AND SALVAGE AND RECOVERY

Every Covered Project shall be made available for Deconstruction, Salvage, and Recovery prior to Demolition. It shall be the responsibility of the Applicant to recover the maximum feasible amount of salvageable Designated Recyclable and Reusable Materials prior to Demolition. In order to provide sufficient time for Deconstruction and Salvage and Recovery to be undertaken, no Demolition may commence until a period of five (5) working days has elapsed from the date of issuance of the Demolition permit. Recovered and Salvaged Designated Recyclable and Reusable Materials from the Covered Project shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or Salvaged Designated Recyclable and Reusable Materials may be given away or sold on the premises, or may be removed to Reuse warehouse facilities for storage or sale. Title to Designated Recyclable and Reusable Materials forwarded to the operator of Recycling facilities will transfer to the service provider upon removal of Designated Recyclable and Reusable Materials from the Covered Project site.

50.33 DIVERSION REQUIREMENTS

It is required that at least the following specified percentages of the waste tonnage of Construction and Demolition Debris generated from every Covered Project shall be diverted from going to landfill by using Recycling, Reuse and diversion programs:

- a. Demolition: Sixty percent (60%) of Waste Tonnage from Construction and Demolition Debris that includes concrete and asphalt; and fifteen percent (15%) of Waste Tonnage that does not include concrete and asphalt.
- b. Re-roofing of homes with shingles or shakes as a separate Covered Project: Sixty percent (60%) of Waste Tonnage from Construction and Demolition Debris.
- c. Construction and Remodeling: Sixty percent (60%) of Waste Tonnage from Construction and Demolition Debris.

Separate Waste Management Plans will be required for the Demolition and for the Construction portion of Covered Projects involving both Demolition and Construction. Because the Town believes in the highest and best use of materials that are recycled, alternative daily cover (ADC) shall not count towards reaching the required diversion percentages.

It is not the intention of this Chapter to require the Recycling, Reuse, or Diversion of materials not subject to those processes.

50.34 INFORMATION REQUIRED BEFORE ISSUANCE OF DEMOLITION AND/OR BUILDING PERMIT

Every Applicant shall submit a properly completed "Waste Management Plan", in a form as prescribed by the WMP Compliance Official, to the Department of Planning and Building, as a portion of the building or demolition permit process. The completed WMP shall indicate all of the following: (1) the estimated volume or weight of project Construction and Demolition Debris, by materials type, to be generated; (2) the maximum volume or weight of such materials that can feasibly be diverted via Reuse or Recycling; (3) the vendor or facility that the Applicant proposes to use to collect or receive that material; and (4) the estimated volume or weight of Construction and Demolition Debris that will be landfilled. In estimating the volume or weight of materials identified in the WMP, the Applicant shall use the standardized Conversion Rates approved by the Town for this purpose. Approval of the form as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

If the maximum volume or weight of such materials that can feasibly be diverted via Reuse or Recycling, as estimated pursuant to subsection (2) above, is less than the required Diversion Requirements, Applicant must submit information that supports the lower projected Diversion Rate, or the WMP shall be considered to be incomplete.

50.35 DEPOSIT REQUIRED

As a condition precedent to issuance of any permit for a building or a demolition permit that involves a Covered Project, the owner of the property for which a permit is being applied shall post a cash or check deposit in the amount of fifty dollars (\$50.00) for each estimated ton of Construction and/or Demolition Debris, but not less than five thousand dollars (\$5,000.00) (the Deposit). The Deposit shall be returned, without interest, in total or pro rate, upon proof to the satisfaction of the WMP Compliance Official that no less than the required percentages of the Waste Tonnage of Construction and Demolition Debris generated by the Covered Project have been diverted from landfills and have been Recycled or Reused or stored for later Reuse or Recycling. If a lesser percentage of Waste Tonnage of Construction and Demolition Debris than required is diverted, a proportionate share of the Deposit will be returned. The Deposit shall be forfeited entirely or to the pro rate extent that there is a failure to comply with the requirements

of this chapter. The Town Council may, by formal resolution, modify the amount of the required Deposit.

50.36 ADMINISTRATIVE FEE

As a condition precedent to issuance of any permit for Construction or Demolition for a Covered Project, 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 Fee Resolution of the Town Council determining the same.

50.37 ON SITE PRACTICES

During the term of the Covered Project, the Applicant shall Recycle or Reuse the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the WMP Compliance Official that can be converted to tonnage. The WMP Compliance Official will evaluate and monitor each Covered Project to gauge the percentage of materials Recycled, Salvaged and Recycled or Reused from the Covered Project. The required diversion of a minimum of the required percentages of the Designated Recyclable and Reusable Materials shall be measured separately with respect to the demolition segment and the construction segment of a Covered Project where both Construction and Demolition 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, dimensional lumber, and cardboard to the extent feasible on new construction.

50.38 REPORTING

Within sixty (60) days following the completion of the Demolition phase of a Covered Project, and again within sixty (60) days following the completion of the Construction phase of a Covered Project, the Applicant shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the WMP Compliance Official which proves compliance with the requirements of Sections 50.32 and 50.33. The documentation shall consist of a final completed "Waste Management Plan" showing actual data of tonnage of materials Salvaged for Recycling and Reuse, 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. Applicant shall make reasonable efforts to ensure that all Designated Recyclable and Reuse Materials Salvaged or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all Construction and Demolition Debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For Construction and Demolition Debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized Conversion Rates approved by the Town for this purpose.

If a Covered Project involves both Demolition and Construction, the report and documentation for the Demolition project must be submitted and approved by the WMP Compliance Official before issuance of a building permit for the Construction phase of a Covered Project. In the alternative, the Applicant may submit a letter stating that no waste or recyclable materials were generated from the Covered Project, in which case this statement shall be subject to verification by the WMP Compliance Official. Any Deposit posted pursuant to Section 50.35 shall be forfeited if the Applicant does not meet the timely reporting requirements of this section.

50.39 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 10.6 of this Code.

50.40 PENALTIES

Each violation of the provisions of this chapter shall constitute a misdemeanor. Each day that a violation continues shall be deemed a new and separate offense.

50.41 RESPONSIBLE PARTY

Every Applicant and/or owner of property on which a Covered Project occurs shall be responsible for compliance with the provisions of this chapter.

SECTION 2. Except as hereby amended, said Woodside Municipal Code as amended shall be and remain in full force and effect.

SECTION 3. 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 4. This Ordinance shall be published and posted according to law and shall be effective from and after thirty (30) days following its adoption.

AN ORDINANCE OF THE TOWN OF WOODSIDE AMENDING CHAPTER 50 OF THE WOODSIDE MUNICIPAL CODE, ADDING PROVISIONS RELATING TO RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

The Town Council of the Town of Woodside, California, does hereby ordain as follows:

SECTION 1. Title V, Chapter 50 of the Woodside Municipal Code is hereby amended, to read as follows:

A. SECTION 50.31 - DEFINITIONS is amended by adding new subsections as follows:

- a) “Alternative Daily Cover” (ADC) means materials other than soil that have been approved by the California Integrated Waste Management Boars for use as a temporary overlay on an exposed landfill face.
- b) “Non-recyclable/Non-reusable Materials” means that portion of Construction and Demolition Debris for which there is no locally available facility for the return of these materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

B. SECTION 50.31 – DEFINITIONS is further amended as follows:

- a) "Covered Project" means any Construction, Demolition, and/or Renovation of Covered Projects within the Town the total costs of which are, or are projected to be, greater than or equal to ~~\$5,000~~ \$10,000, or which will generate more than ten (10) tons of Construction and Demolition Debris.
- i) "Deposit" means cash or a check in the amount of fifty dollars (\$50) for each estimated ton of Construction and/or Demolition Debris from a Covered Project, but not less than ~~\$5,000~~ \$1,000, subject to the further provisions of Section 50.35 of this chapter.

C. SECTION 50.33 - DIVERSION REQUIREMENTS is amended as follows:

It is required that at least the following specified percentages of the waste tonnage of Construction and Demolition Debris generated from every Covered Project shall be diverted from going to landfill by using Recycling, Reuse and diversion programs:

- a. Demolition: Sixty percent (60%) of Waste Tonnage from Construction and Demolition Debris that includes concrete and asphalt; and fifteen percent (15%) of Waste Tonnage that does not include concrete and asphalt.
- b. Re-roofing of homes with shingles or shakes as a separate Covered Project: Sixty percent (60%) of Waste Tonnage from Construction and Demolition Debris.
- c. Construction and Remodeling: Sixty percent (60%) of Waste Tonnage from Construction and Demolition Debris.

Separate Waste Management Plans will be required for the Demolition and for the Construction portion of Covered Projects involving both Demolition and Construction. Because the Town believes in the highest and best use of materials that are recycled, alternative daily cover (ADC) shall not count towards reaching the required diversion percentages. If Non-recyclable/Non-reusable Materials are present, and a good faith effort by the applicant and the Town to locate a material recycling/reuse facility has been unsuccessful, an exception to the exclusion of ADC as a bonafide diversion method may be granted by the WMP Compliance Official for these materials. If an exception is granted, any Designated Recyclable and Reusable Materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill or transformation facility.

It is not the intention of this Chapter to require the Recycling, Reuse, or Diversion of materials not subject to those processes. In the event that more than forty percent (40%) of the waste tonnage is Non-recyclable/Non-reusable Material, and a good faith effort by the applicant and the Town to locate a material recycling/reuse facility has been unsuccessful, an exception to the requirements of this chapter may be granted by the WMP Compliance Official. If an exception is granted, any Designated Recyclable and Reusable Materials that are also present must be one hundred percent (100%) diverted from disposal in a landfill or transformation facility.

D. SECTION 50.35 - DEPOSIT REQUIRED is amended as follows:

As a condition precedent to issuance of any permit for a building or a demolition permit that involves a Covered Project, the owner of the property for which a permit is being applied shall post a cash or check deposit in the amount of fifty dollars (\$50.00) for each estimated ton of Construction and/or Demolition Debris, but ~~The deposit shall be not less than five one thousand dollars (\$5,000.00)~~ (\$1,000.00) (the Deposit. The Deposit for Designated Recyclable and Reusable Materials consisting of earth materials, including dirt and rocks from land clearing activities in preparation for Construction, shall be fifty dollars (\$50.00) per ton for amounts less than or equal to one hundred (100) tons and a flat rate of five thousand dollars (\$5,000.00) for amounts greater than one hundred (100) tons. The Deposit shall be returned, without interest, in total or pro rate, upon proof to the satisfaction of the WMP Compliance Official that no less than the required percentages of the Waste Tonnage of Construction and Demolition Debris generated by the Covered Project have been diverted from landfills and have been Recycled or Reused or stored for later Reuse or Recycling. If a lesser percentage of Waste Tonnage of Construction and Demolition Debris than required is diverted, a proportionate share of the Deposit will be returned. The Deposit shall be forfeited entirely or to the pro rate extent that there is a failure to comply with the requirements of this chapter. The Town Council may, by formal resolution, modify the amount of the required Deposit.

SECTION 2. Except as hereby amended, said Woodside Municipal Code as amended shall be and remain in full force and effect.

SECTION 3. 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 4. This Ordinance shall be published and posted according to law and shall be effective from and after thirty (30) days following its adoption.