

ORDINANCE NO. 260-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE ADDING CHAPTER 9-1.50 OF THE CLEARLAKE MUNICIPAL CODE REGARDING THE RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

WHEREAS, the City of Clearlake is required to promote the recycling of construction and demolition debris through implementation of the California Green Building Standards Code; and

WHEREAS, the California Department of Resources Recycling and Recovery (“CalRecycle”) promulgated regulations to implement Senate Bill 1383 (“SB 1383 Regulations”); and

WHEREAS, the SB 1383 Regulations require that the City of Clearlake adopt an ordinance or other enforceable requirement that requires diversion of a minimum of 65%, by weight, construction and demolition debris, from landfills; and

WHEREAS, the City Council must add Chapter 9.1.50 to the Clearlake Municipal Code to formally adopt waste diversion requirements for construction and demolition debris to comply with the current version of the California Green Buildings Standards Code.

NOW, THEREFORE, the City Council of the City of Clearlake does ordain as follows:

SECTION 1. Title 9-1.50 of the Clearlake Municipal Code is hereby adopted to read as follows:

Chapter 1.50— Recycling of Construction and Demolition Debris

9-1.50.010 - Purpose.

The California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 through 49620), created by AB 939 (chaptered as 1095) of the 1989 Legislative Session, declares that "the amount of solid waste generated in the state coupled with diminishing landfill space and potential adverse environmental impacts from landfilling constitutes an urgent need for state and local agencies to enact and implement an aggressive new integrated waste management program."

The purpose of this chapter is to promote the recycling of construction and demolition debris in order to protect the public health, safety, and welfare, and to meet the City’s obligations under AB 939 and the current version of the California Green Buildings Standards Code.

9-1.50.020 - Diversion requirements.

A. Applicants must divert from landfills a minimum of 65%, by weight, construction and demolition debris generated from the project or other amount established by State law, whichever is higher, by using recycling, reuse, and diversion programs.

B. Applicants must also comply with California Green Building Standards Code.

9-1.50.030 - Waste reduction plan.

A. Applicants for any project must submit a properly completed waste reduction plan, identifying all waste materials expected to be generated as a result of the project at the time of demolition or building permit application. No building or demolition permit shall be issued until the applicant has submitted a waste reduction plan in the form required by the building official and until the waste reduction plan has been approved by the building official or designee.

B. The waste reduction plan must contain, at a minimum, the following:

1. The type of project;
2. The total square footage of the project;
3. The estimated weight of project construction and demolition debris to be generated by material type;
4. The construction and demolition debris materials that will be diverted from disposal by recycling, reuse on the project or salvage for future use or sale;
5. If construction and demolition debris will be sorted on-site (source-separated) or bulk mixed (single stream);
6. Diversion facilities where the construction and demolition debris will be taken;
7. Construction methods taken to reduce the amount of construction and demolition debris generated; and,
8. The amount of construction and demolition debris diverted by weight.

C. Every person or entity to whom a building or demolition permit has been issued ("permittee") shall comply, and require their subcontractors to comply, with the provisions of the approved waste reduction plan applicable to the permit.

D. If the permittee subsequently wishes to amend the approved waste reduction plan, the permittee shall submit the request in writing to the building official. The building official or their designee shall approve or deny the requested amendment, as submitted or as modified by the building official or their designee, as appropriate.

E. The permittee shall collect and retain (1) weight tickets, (2) an inventory of reused items, (3) receipts and other records from all recipients of discarded material that demonstrate the reuse, recycling, and disposal of all material generated by and hauled from the project, and (4) such other documentation as necessary to establish compliance with the approved waste reduction plan.

F. The permittee shall, for commercial projects involving additions and alterations, verify that Universal Waste items, including fluorescent lamps and ballast and mercury containing thermostats are properly disposed of and diverted from the landfills. "Universal Waste" means batteries, electronic devices, mercury-containing equipment, lamps, cathode ray tubes or glass, and aerosol cans. A list of prohibited Universal Waste materials shall be included in the construction documents.

G. Prior to final inspection of the project or as otherwise required by the waste reduction plan, the permittee shall complete and submit to the building official a diversion summary sheet and the documentation described in subsection E of this section.

9-1.50.040 - Payment of monitoring costs.

Any person or entity which has previously failed to comply with an approved waste reduction plan or with the other provisions of the ordinance codified in this chapter may, at the time of submitting any subsequent waste reduction plan for approval, be required to pay a monitoring fee in the amount set from time to time by resolution of the city council to cover the costs of monitoring compliance with the approved waste reduction plan. The decision as to whether the facts warrant the imposition of the monitoring fee shall be made by the building official.

9-1.50.050 - Penalties.

Violation of any provision of this chapter, including, but not limited to,

- A. Demolition or construction before having or without having an approved waste reduction plan;
- B. Failure to comply with the approved waste reduction plan (as amended, if applicable);
- C. Failure to provide all required documentation prior to final inspection or as required by the waste reduction plan shall subject the violator to a penalty of up to ten times the permit fee for the building or demolition permit, as determined by the building official, as set forth in Sections 9-1.24 of this code.

SECTION 2. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. CEQA. The adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 3rd day of March, 2022, by the following vote:

AYES: Mayor Slooten, Vice Mayor Perdock, Councilmembers Overton, Claffey and Cremer

NOES: None

ABSTAIN: None

ABSENT: None

FINAL PASSAGE AND ADOPTION by the City Council of Clearlake occurred at a meeting thereof held on the 17th day of March, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dirk Slooten, Mayor

ATTEST:

Melissa Swanson, City Clerk
City of Clearlake