

32.04.0 DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

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32.04.010 Short title. (2)

This article shall be known as the Diversion of Construction and Demolition Debris Ordinance of the City of Davis.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.020 Definitions. (3)

For the purpose of this article the following terms shall have the meanings given in this section:

(a) “Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, industry, public or private corporation, or any other entity whatsoever who applies to the City for applicable permits to undertake any construction, demolition, or renovation project within the City.

(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, or who performs (whether as a contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures within the City.

(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” includes:

(1) Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to metals, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and/or lumber, generated as part of a construction, demolition or renovation project. 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 or demolition project.

(2) Clean cardboard, paper, plastic, wood, and metal scraps resulting from any construction or demolition project.

(3) Other non-hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry.

(e) “Demolition” means the decimating, razing, tearing down or wrecking of any facility structure, pavement or building, whether in whole or in part, whether interior or exterior.

(f) “Divertible Materials” includes:

(1) Masonry building materials 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 material. Some wood materials that are chemically treated or contaminated may not be divertible.

(3) Vegetative materials include 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, but not limited to, pipes, siding, window frames, door frames and fences.

(5) Roofing materials including wooden, asphalt, stone and/or slate based roofing material.

(g) “Divert” means to use material for any purpose other than disposal in a landfill such as re-use or recycling.

(h) “Project” means any activity involving construction, demolition, or renovation, and which requires issuance of a permit from the City.

(i) “Project Site” means a lot or parcel where demolition, construction, addition, or alteration is proposed. In the case of a residential subdivision under construction, “project site” means the parcels proposed for development in a particular phase by a homebuilder.

(j) “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to use in the form of raw material for new, reused, or reconstituted products which meet the applicable quality standards.

(k) “Renovation” means any change, addition, or modifications to an existing structure for which a permit is required.

(l) “Reuse” means further or repeated use of construction or demolition debris.

(m) “Waste Reduction and Recycling Plan” means a completed form submitted before the issuance of a building and/or demolition permit, approved by the Public Works Director or designee, for the purpose of compliance with this article. Forms shall be obtained from the City.

(n) “Waste Reduction and Recycling Report” means a completed City-provided form submitted after demolition or construction, as a precedent to final inspection and issuance of any certificate of occupancy, approved by the Public Works Director or designee, for the purpose of compliance with this article.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.030 Applicability. (4)

All projects requiring a building permit with the following exceptions:

- (a) Residential additions less than 1,000 square feet of gross floor area;
- (b) Tenant improvements involving less than 3,000 square feet of gross floor area;
- (c) New structures of less than 1,000 square feet of gross floor area;
- (d) Demolition of less than 1,000 square feet of gross floor area.
- (e) Any project at the discretion of the Chief Building Official or designee.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.040 Exemptions. (5)

- (a) Emergency work (demolition, construction, addition, or alteration performed in conjunction with an

emergency or a building/structure deemed substandard by the California Building Code through the Chief Building Official).

(b) A project contaminated by hazardous substances or waste as defined by state or federal law.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.050 Exclusive franchise. (6)

Construction and demolition debris disposal and recycling are included in the exclusive franchise rights of the City except as provided for in Sec. 32.01.030(b).

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.060 Diversion requirements. (7)

Fifty percent (50%) of construction and demolition debris generated from applicable construction, remodeling, or demolition projects shall be diverted from disposal to landfills through recycling, reuse and diversion programs. Separate calculations, plans and reports are required for the construction portion and demolition portion of projects.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.070 Information required before issuance of building or demolition permit. (8)

(a) Submittal of Waste Reduction and Recycling Plan: Every applicant shall submit a completed "Waste Reduction and Recycling Plan" as part of the building permit application submission. A single plan may be used for multiple building permits where construction activity is occurring concurrently by the same applicant. Separate Waste Reduction and Recycling Plans must be submitted for each batch of building permits requested.

(b) Approval of Waste Reduction and Recycling Plan: Notwithstanding any other provisions of this article, no building or demolition permit shall be issued for any project as defined in Section 32.04.030 unless and until the Public Works Director or designee has approved the Waste Reduction and Recycling Plan.

(c) Denial of Waste Reduction and Recycling Plan: If the Public Works Director or designee determines that the Waste Reduction and Recycling Plan is incomplete he or she shall return it to the applicant. The applicant must then submit additional information before the Waste Reduction and Recycling Plan can be reviewed and the building or demolition permit issued.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.080 Compliance with diversion requirements. (9)

(a) Inspection Authority: During demolition or construction, City may inspect project sites to determine compliance with the Waste Reduction and Recycling Plan.

(b) Proof of Diversion: After the Waste Reduction and Recycling Plan is approved and the building permit is issued, there are no additional reporting requirements on projects where the City of Davis sole Franchisee, Davis Waste Removal is responsible for waste removal. City will receive all pertinent information from Davis Waste Removal.

For projects where “self haul” as defined in Section 32.01.030 is being utilized, applicants will be required to submit proof of compliance before final inspection. Proof of compliance to be submitted with end of project reports includes:

- (1) Submittal of a completed City-provided Waste Reduction and Recycling Report form.
- (2) Receipts from the vendor or facility which collected or received each material showing the actual weight of that material (recyclables and solid waste). Each receipt must clearly state the project title and date. If the receipt provides information for multiple projects, the project titles and the amounts of material for each project must be clearly identified.
- (3) Weight slips/count of material salvaged or reused in current project. Each receipt must clearly state the project title and date. If the receipt provides information for multiple projects, the project titles and the amount of material for each project must be clearly identified.
- (4) Any additional information needed to support a good faith effort determination.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.090 Determination of compliance. (10)

For all projects where Davis Waste Removal, the Davis franchisee, is the waste hauler, 50% compliance is assumed on behalf of the applicant. On “self haul” projects the Public Works Director or designee shall review the end of project Waste Reduction and Recycling Report and determine whether the applicant has complied with the diversion requirement, as follows:

- (a) Full Compliance: Public Works Director or designee will notify the applicant and the building department if they determined that the diversion requirements have been met.
- (b) Good Faith Effort to Comply: If the Public Works Director or designee determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this article. In making this determination, the Public Works Director or designee shall consider the availability of markets for the construction debris, the size of the project, and the documented efforts of the applicant to divert construction debris. The applicant and the building department will be notified if “Good Faith Effort to Comply” has been issued.
- (c) Non-Compliance: If the Public Works Director or designee determines that the applicant has not made a good faith effort to comply, the applicant will receive a “Non-Compliance” determination. A \$1,000 penalty for non-compliance may be assessed. The applicant has a right to a hearing to protest the validity of the penalty.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.100 Option to revise. (11)

The City will periodically evaluate this Diversion of Construction and Demolition Debris Ordinance to determine its effectiveness in reducing the amount of construction and demolition debris landfilled. If the City determines that additional construction and demolition debris can reasonably be diverted beyond that which is required herein, the City may amend these provisions and implement additional measures to divert more materials.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.110 Recycling encouraged. (12)

Nothing in this Chapter shall limit the right of an individual or applicant to donate, sell or otherwise dispose of recyclables, provided that such disposal is in accordance with provisions of this chapter.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.120 Rules and regulations. (13)

The Public Works Director is authorized to make all necessary and reasonable rules and regulations with respect to the enforcement of this article. All such rules and regulations shall be consistent with the provisions of this article.

(Ord. No. 2299, §1, Added 09/18/2007)

32.04.130 Implementation. (14)

All provisions of this article will be come effective and enforceable when a Construction and Demolition sort facility is operating in Yolo County or one year from the passage of this ordinance, whichever is earlier.

(Ord. No. 2299, §1, Added 09/18/2007)