

**CHAPTER 15.34
CONSTRUCTION AND DEMOLITION RECYCLING**

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15.34.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED AGENT. The City Manager's designated entity to review initial waste management checklist of permit applicants; to consult with permit applicants on waste diversion options; and to review completed waste management checklist and accompanying documentation to certify to whether the requirements of this ordinance have been fulfilled by the applicant. The **AUTHORIZED AGENT** may be the community development director, franchised solid waste hauler, or another qualified entity.

CONSTRUCTION. All building, landscaping, remodeling, addition, removal, or destruction involving the use or disposal of designated recyclable and reusable materials as defined in this section.

CONTRACTOR. Any person or business 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 the City.

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. Insignificant amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided the amounts are consistent with best management practices of the industry; and
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.

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 creosoted, preservative 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. Gypsum board; and/or
7. Salvageable materials includes all salvageable materials and structures including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, bath tubs, and appliances.

PROJECT. A demolition or construction activity for which a City permit is required, and, in the case of associated activities such as a housing development consisting of numerous single-family homes, an apartment complex consisting of several detached buildings, or a commercial development consisting

of several detached building, the **OVERALL PROJECT** shall be defined as the entire development for purposes of determining exemption or non-exemption from the waste reduction requirements of this ordinance.

WASTE. All building materials and other construction debris that are removed from a job site before, during, or after construction but prior to occupancy. Construction waste typically includes waste concrete, asphalt, wood scrap, drywall, metal, insulation, wiring, cardboard, and the like.

(Ord. 861, § 2, passed -- 2007)

15.34.020 DIVERSION REQUIREMENTS.

At least the following specified percentages of the waste tonnage of demolition and construction debris generated from every demolition, remodeling and construction project shall be diverted from going to the landfill by using recycling, reuse, and diversion programs:

- A. *Demolition.* Seventy-five percent of waste tonnage of concrete and asphalt; and 15% of waste tonnage excluding concrete, asphalt and clean redwood;
- B. *Re-roofing of structures as a separate project.* Fifty percent (50%) of wood, slate, or stone waste by tonnage; and ninety percent (90%) of metal roofing shingles; and fifty percent (50%) of asphalt shingles (when the authorized agent identifies a reasonable recycling option for this material);
- C. *Construction.* Fifty percent of waste tonnage;
- D. *Remodeling.* Fifty percent of waste tonnage; and
- E. *Sidewalk, driveway, and/or roadway demolition or resurfacing.* Seventy-five percent of waste tonnage.

(Ord. 861, § 2, passed -- 2007; Am. Ord. 876, § 21, passed 10-14-2008)

15.34.030 CONSTRUCTION AND DEMOLITION PROJECTS SUBJECT TO DIVERSION REQUIREMENTS.

The following project categories are covered projects and must comply with this chapter:

- A. Any project of more than 1,000 square feet requiring a permit for demolition;
- B. Any remodel or renovation project of more than 500 square feet;
- C. Any new construction project; or
- D. Any road, sidewalk, or driveway renovation/demolition project that results in the removal of 200 square feet or more of asphalt or concrete.

(Ord. 861, § 2, passed -- 2007; Am. Ord. 890 § 19, passed 11-8-2010)

15.34.040 EXEMPTION FROM WASTE MANAGEMENT CHECKLIST AND INCENTIVE.

The following projects are exempt from the requirements for a waste management checklist and incentive:

- A. Work for which only a plumbing, electrical, or mechanical permit is required;
- B. Seismic tie-down projects;
- C. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required;
- D. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required; and
- E. All new roofs without significant removal of existing roofing materials (tear-off).

(Ord. 861, § 2, passed -- 2007)

15.34.050 WAIVER FROM DIVERSION REQUIREMENT.

A. *Application.*

1. If an applicant believes it is infeasible to comply with the diversion requirements of this ordinance due to the circumstances delineated in this section, the applicant may apply for an exemption at the time the initial waste management checklist is submitted. Waivers may be granted based on the following considerations:

- a. No on-site storage/waste sorting space;
- b. Contamination by hazardous substances;
- c. Low recyclability of specific materials; and
- d. Other as determined by the authorized agent.

2. The applicant shall indicate on the waste management checklist the maximum rate of diversion the applicant believes is feasible for each material and the specific circumstances that the applicant believes make it infeasible to comply with the diversion requirement.

B. *Determination by compliance official.* The City's authorized agent shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. The authorized agent shall determine whether the exemption will be granted,

and may substitute an alternative lesser diversion requirement upon determination that it may reasonably be achieved by the applicant using locally available diversion opportunities.

(Ord. 861, § 2, passed -- 2007)

15.34.060 INFORMATION REQUIRED BEFORE ISSUANCE OF PERMIT.

A. Every applicant shall submit a properly completed initial waste management checklist, on a form as prescribed by the City, to the authorized agent, as a portion of the building or demolition permit process. The checklist will show how the applicant will satisfy the diversion requirement by diverting specific materials from disposal and shall indicate the following for the covered project:

1. The estimated total volume or weight of construction and demolition waste generated by the project; and
2. The means that the applicant proposes to use to divert construction and demolition waste:
 - a. *Estimating volume and weight of debris.* In estimating the weight of materials identified in the waste management checklist, the applicant shall use the conversion rates approved by the authorized agent for this purpose; and
 - b. *Describing means of diversion.* In describing the means of diversion of construction and demolition waste other than salvage, the applicant shall state the approved facility that will be used, by material type. In describing the means of diversion of construction and demolition waste proposed for salvage, the applicant shall state the quantity and means of reuse.

B. The applicant will be encouraged to consult with the City's designated agent in preparation of the checklist. Approval of the checklist as complete and adequate shall be a condition precedent to issuance of any building or demolition permit. The applicant shall submit an amended waste management checklist for review and approval prior to any deviation from the procedures set forth in the initial checklist.

(Ord. 861, § 2, passed -- 2007)

15.34.070 DEPOSIT INCENTIVE REQUIRED.

As a condition precedent to issuance of any building, demolition, or encroachment permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post an incentive in a form acceptable to the authorized agent. The deposit incentive will be set by resolution. The incentive shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the authorized agent, 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 been recycled or reused. If a lesser percentage of tons or cubic yards than required are diverted, a proportionate share of the incentive will be returned. The incentive shall be forfeited entirely or to the extent that there is a failure to comply with the requirements of this chapter. The incentive rate will be updated every January according to the Consumer Price Index (CPI), so that the incentive keeps pace with the rate of inflation. The authorized agent will also collect a nonrefundable processing fee for each waste management checklist. This fee will be used to fund the administration of the program and will also be set by resolution.

(Ord. 861, § 2, passed -- 2007)

15.34.080 ON-SITE PRACTICES.

A. During the term of the demolition or construction 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 authorized agent that can be converted to tonnage. The City or its authorized agent will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged, and disposed of from the project.

B. If clean wood is taken off site by employees for burning in a fireplace or wood stove to generate heat or for reuse in other construction projects, the contractor shall keep a sign-out sheet that details all wood taken off-site for such purposes. The sign-out sheet will include the date, the employees name, the employees' signature and an estimate of the wood taken off-site (in pounds or cubic feet).

C. For a fee, Fort Bragg's solid waste franchisee will provide recycle bins, dumpsters with partitions, and/or a trash bin as available to facilitate waste segregation and recycling activities by contractors of all new construction, remodel, and demolition projects within the City.

(Ord. 861, § 2, passed -- 2007)

15.34.090 REPORTING.

Within sixty (60) days following the completion of any demolition project or construction project, the contractor shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the authorized agent or the City's authorized agent which proves compliance with the requirements of this ordinance. The documentation shall consist of a completed waste management checklist showing actual data of tonnage of materials recycled and diverted as well as actual tonnage of waste materials transported to the landfill. The checklist data shall be supported by receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, and landfill and disposal companies. Receipts and weight tags will be used to verify what percentage of materials generated from the site were recycled, reused, salvaged, or otherwise disposed of. In the alternative, the permittee may submit a letter stating that no waste or recyclable materials were generated from project, in which case this statement shall be subject to

verification by the authorized agent or the City's authorized agent. If a project involves both demolition and construction, the checklist and documentation (receipts) for the demolition project must be submitted and approved by the authorized agent or the City's authorized agent before issuance of a building permit for the construction project. Any incentive shall be forfeited if the permittee does not meet the reporting requirements of this section.

(Ord. 861, § 2, passed -- 2007)

15.34.100 CHALLENGES.

Challenge of decisions by the authorized agent with regard to implementation of this ordinance can be made in writing to the City Manager, as authorized by Fort Bragg Municipal Code § 2.16.070.

(Ord. 861, § 2, passed -- 2007)

15.34.110 VIOLATION AS A PUBLIC NUISANCE.

Each violation of any of the provisions of this ordinance shall constitute a public nuisance and shall be subject to forfeiture of any deposit incentive described herein. If the violation consists of a failure to pay the deposit incentive as described in this ordinance, then the person or entity responsible for payment of the deposit incentive shall pay a penalty to the City in the amount of the deposit incentive that should have been paid, in addition to any other fine or penalty that may be imposed pursuant to § [15.34.120](#), below.

(Ord. 861, § 2, passed -- 2007)

15.34.120 PENALTIES.

Each violation of the provisions of this ordinance shall constitute a misdemeanor, and upon conviction thereof is punishable as provided in Chapter 1.12.

(Ord. 876, § 22, passed 10-14-2008)

15.34.130 USE OF CONSTRUCTION AND DEMOLITION RECYCLING INCENTIVE.

Incentive funds not reclaimed by applicants, due to failure to achieve threshold recycling and diversion levels, will be used to improve construction and demolition waste recycling facilities, education, and programs within the City.

(Ord. 861, § 2, passed -- 2007)

15.34.140 IMPROVEMENT OF CONSTRUCTION AND DEMOLITION WASTE RECYCLING/DIVERSION GOALS.

A. The construction and demolition waste recycling requirements will increase in 2015 to reflect improvements in recycling and diversion performance and opportunities.

B. Specifically, by 2015 the following specified percentages of the waste tonnage of demolition and construction debris generated from every demolition, remodeling and construction project shall be diverted from going to the landfill by using recycling, reuse, and diversion programs:

1. *Demolition.* Ninety percent of waste tonnage of concrete and asphalt, and 25% of waste tonnage excluding concrete and asphalt;
2. *Re-roofing of structures as a separate project.* Sixty-five percent of wood, slate, or stone waste, and 50% of asphalt shingles when the authorized agent certifies that a reasonable recycling option for this material is available; and
3. *Construction and remodeling.* Sixty-five percent of waste tonnage.

(Ord. 861, § 2, passed -- 2007)