

ORDINANCE NO. 494

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING SECTION 15.75.050 OF THE MUNICIPAL CODE CONCERNING RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

The City Council of the City of Brisbane, California hereby ordains as follows:

SECTION 1: Section 15.75.050 in Chapter 15.75 of the Brisbane Municipal Code is amended to read as follows:

§15.75.050 Cash Deposit Required

(a) As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall post a cash deposit in an amount equal to two and one half cents (\$0.025) for each estimated pound of construction and demolition debris to be generated by the project, up to a maximum deposit of fifty thousand dollars (\$50,000.00). The deposit 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 of construction and demolition debris have been diverted from landfills and have been recycled or reused. If a lesser percentage than required is diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely or to the extent that there has been a failure to comply with the requirements of this Chapter.

(b) If an applicant has previously forfeited a deposit for failure to comply with the requirements of this Chapter, the amount of the deposit will be increased by one and one half cents (\$0.015) per pound, up to a maximum deposit of seventy-five thousand dollars (\$75,000.00) for each subsequent project.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Barnes, Mayor

ATTEST:

Sheri Marie Schroeder, City Clerk

APPROVED AS TO FORM:

Harold S. Toppel, City Attorney