

ORDINANCE NO. 1704

ORDINANCE OF THE CITY OF BURLINGAME  
AMENDING CHAPTER 8.17 TO FURTHER CLARIFY AND CONSOLIDATE  
REQUIREMENTS FOR RECYCLING AND DIVERSION OF CONSTRUCTION AND  
DEMOLITION DEBRIS

The City Council of the City of Burlingame, California, does hereby ordain as follows:

Section 1. The City of Burlingame adopted Ordinance No. 1645 in December 2000 to require the recycling and diversion of significant construction and demolition debris in order to reduce the amount of solid waste going to landfills; to promote reuse and recycling of that debris, and to continue to support State laws regarding solid waste issues. Ordinance No. 1661 was adopted in September 2001 to increase diversion from remodeling projects and facilitate collection of deposits. This ordinance is intended to further increase diversion in future years while preserving landfill capacity.

Section 2. Section 8.17.010 is amended to read as follows:

8.17.010 Definitions.

For purposes of this chapter, the following definitions apply:

(a) "ADC" or "alternative daily cover" means cover material in addition to at least six (6) inches of earthen material placed on the surface of the active face of fill at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.

(b) "AIC" or "alternative intermediate cover" means cover material in addition to earthen material of at least twelve (12) inches placed on all fill surfaces where additional cells are not to be constructed for 180 days or more to control vectors, fires, odors, blowing litter, scavenging, and drainage. AIC does not include final cover.

(c) "Alteration" means, for the purposes of the recycling and diversion requirements in this chapter, any change, addition, or modification in construction or occupancy of a building or structure.

(d) "Building" means any structure used or intended for supporting any use or

1 occupancy that encompasses 200 square feet or more of area in any one plane. "Building" does  
2 not include decks, fences, balconies, machinery, equipment, or appliances installed for  
3 manufacture or process purposes only.

4 (e) "Chief building official" means the city chief building official or the chief building  
5 official's designee.

6 (f) "Contractor" means any person or entity holding, or required to hold, a contractor's  
7 license of any type under the laws of the State of California, or who performs (whether as  
8 contractor, subcontractor, owner-builder, or otherwise) any construction, alteration, demolition,  
9 or landscaping service relating to buildings or structures in the city.

10 (g) "Demolition" means, for the purposes of the recycling and diversion requirements  
11 in this chapter, the intentional removal an existing building or structure.

12 (h) "Demolition and construction debris" means and includes:

13 (1) Discarded materials generally considered to be not water soluble and non-hazardous  
14 in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe,  
15 gypsum, wallboard, and lumber from the construction or destruction of a structure or building  
16 as part of a construction or demolition project or from the renovation of a structure and/or  
17 landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that  
18 normally results from land clearing, landscaping and development operations for a construction  
19 or demolition project;

20 (2) Clean cardboard, paper, plastic, wood, and metal scraps from any construction  
21 and/or landscape project;

22 (3) Non-construction and demolition debris wood scraps.

23 (4) De-minimis amounts of other non hazardous wastes that are generated at  
24 construction or demolition projects, provided such amounts are consistent with best  
25 management practices of the industry.

26 (5) Mixing of construction and demolition debris with other types of solid waste will  
27 cause it to be classified as other than construction and demolition debris.

28 (i) "Designated recyclable and reusable materials" means and includes:

- 1.1 (1) Masonry building materials including all products generally used in construction  
2 including, but not limited to asphalt, concrete, rock, stone, and brick;
- 3 (2) Wood materials including any and all dimensional lumber, fencing or construction  
4 wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted  
5 with lead paint.
- 6 (3) Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any  
7 other type of plants that are cleared from a site for construction or other use.
- 8 (4) Metals including all metal scrap such as, but not limited to, pipes, siding, window  
9 frames, door frames and fences.
- 10 (5) Roofing materials including wood shingles as well as asphalt, stone and slate based  
11 roofing material.
- 12 (6) Salvageable materials including all salvageable materials and structures including,  
13 but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.
- 14 (7) Any other materials that the chief building official determines can be diverted due  
15 to the identification of a recycling facility, reuse facility, or market accessible from the city.
- 16 (j) "Final cover" means cover material that represents the permanently exposed final  
17 surface of a fill.
- 18 (k) "New construction" means, for the purposes of the recycling and diversion  
19 requirements in this chapter, the construction of a completely new structure or building.
- 20 (l) "Structure" means, for the purposes of the recycling and diversion requirements of  
21 this chapter, anything built or constructed, an edifice or building of any kind, or any piece of  
22 work artificially built up or composed of parts joined together in some definite manner that  
23 encompasses 200 square feet or more of area in any one plane, except decks, fences, or  
24 balconies.
- 25 (m) "Total value" means the total value of new construction or an alteration as  
26 calculated and determined by the chief building official in the same manner as for permit and  
27 building plan review fees under Section 107.2 of the California Building Code as adopted by  
28 the city.

1 Section 3. Section 8.17.030 is amended to read as follows:

2 8.17.030 Diversion Requirements.

3 The minimum percentages of waste tonnage of demolition and construction debris  
4 generated from every demolition, remodeling and construction project, as defined below, shall  
5 be diverted from going to landfills by using recycling, reuse and diversion programs as follows:

6 (a) From demolition:

7 For each residential (single-family and multi-family) or nonresidential demolition in the  
8 city: At least sixty percent (60%) of all generated C&D tonnage from the project shall be  
9 diverted, excluding ADC and AIC. When total tonnage generated from a project includes  
10 source-separated soil, concrete and/or asphalt, the total diversion rate shall remain at sixty  
11 percent (60%) but at least twenty-five (25%) of the C&D tonnage that excludes source-  
12 separated soil, concrete, and asphalt shall be diverted. For example, if total tonnage generated  
13 is one hundred (100) tons, the total diverted tonnage shall be at least sixty (60) tons, excluding  
14 ADC and AIC. Of this amount, the total tonnage diverted through materials excluding source-  
15 separated soil, concrete and asphalt, shall be at least twenty-five (25) tons and the remainder  
16 (35 tons or more) can be obtained through diversion of source-separated soil, concrete and  
17 asphalt.

18 (b) From new construction:

19 Each residential (single-family and multi-family) new construction and each  
20 nonresidential new construction shall comply with the same diversion requirements as for  
21 demolition: Sixty percent (60%) of total waste tonnage generated from the project shall be  
22 diverted, excluding ADC and AIC. When total tonnage generated from such a project includes  
23 source-separated soil, concrete and/or asphalt, the total diversion rate shall remain at sixty  
24 percent (60%), excluding ADC and AIC, but at least twenty-five (25%) of the waste tonnage  
25 that excludes source-separated soil, concrete, and asphalt shall be diverted. For example, if  
26 total tonnage generated is one hundred (100) tons, the total diverted tonnage, excluding ADC  
27 and AIC, shall be at least sixty (60) tons. Of this amount, the total tonnage diverted through  
28 materials excluding source-separated soil, concrete and asphalt, shall be at least twenty-five

1 (25) tons and the remainder (35 tons or more) can be obtained through diversion of source-  
2 separated soil, concrete and asphalt.

3 (c) From alterations:

4 Each residential (single-family and multi-family) alteration with a total value of \$50,000  
5 or more and each nonresidential alteration with a total value of \$50,000 or more shall comply  
6 with the same diversion requirements as for demolition: Sixty percent (60%) of total waste  
7 tonnage generated from the project shall be diverted, excluding ADC and AIC. When total  
8 tonnage generated from such a project includes source-separated soil, concrete and/or asphalt,  
9 the total diversion rate shall remain at sixty percent (60%) but at least twenty-five (25%) of the  
10 waste tonnage that excludes source-separated soil, concrete, and asphalt shall be diverted. For  
11 example, if total tonnage generated is one hundred (100) tons, the total diverted tonnage shall  
12 be at least sixty (60) tons. Of this amount, the total tonnage diverted through materials  
13 excluding source-separated soil, concrete and asphalt, shall be at least twenty-five (25) tons and  
14 the remainder (35 tons or more) can be obtained through diversion of source-separated soil,  
15 concrete and asphalt.

16 (d) From roofing:

17 When the chief building official determines that material from roofing repair or  
18 replacement can be diverted to uses other than ADC or AIC, the chief building official is  
19 authorized to require diversion of those materials. Upon this determination, the roofing  
20 materials shall be delivered to a facility that diverts material to uses other than ADC or AIC.

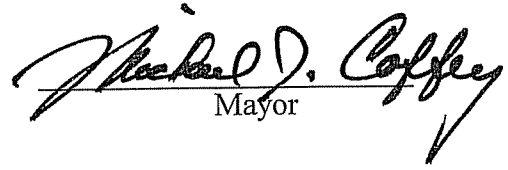
21 (e) Separate calculations and reports will be required for each portion of a project that  
22 involves demolition and alteration, demolition and new construction, or any combination of the  
23 three.

24  
25 Section 4. If any section, subsection, sentence, clause, phrase, or portion of this  
26 ordinance or the application thereof to any person or circumstances is for any reason held  
27 invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed  
28 a separate, distinct and independent provision and such holding shall not affect the validity of

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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 5. This ordinance shall be published as required by law.

  
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Mayor

I, DORIS MORTENSEN, Deputy City Clerk of the City of Burlingame, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the City Council held on the 7<sup>th</sup> day of April, 2003, and adopted thereafter at a regular meeting of the City Council held on the 21<sup>st</sup> day of April, 2003, by the following vote:

AYES: COUNCILMEMBERS: BAYLOCK, COFFEY, GALLIGAN, JANNEY, O'MAHONY  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE

  
\_\_\_\_\_  
City Clerk

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