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

(e) “Chief building official” means the city chief building official or the chief building official’s designee.

(f) "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 contractor, subcontractor, owner-builder, or otherwise) any construction, alteration, demolition, or landscaping service relating to buildings or structures in the city.

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

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

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

(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.

(i) "Designated recyclable and reusable materials" means and includes:
(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 chemically treated, creosoted, CCA pressure treated, contaminated or painted with lead paint.

(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) Salvageable materials including all salvageable materials and structures including, but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

(7) Any other materials that the chief building official determines can be diverted due to the identification of a recycling facility, reuse facility, or market accessible from the city.

(i) “Final cover” means cover material that represents the permanently exposed final surface of a fill.

(k) “New construction” means, for the purposes of the recycling and diversion requirements in this chapter, the construction of a completely new structure or building.

(l) “Structure” means, for the purposes of the recycling and diversion requirements of this chapter, anything built or constructed, an edifice or building of any kind, or any piece of work artificially built up or compose of parts joined together in some definite manner that encompasses 200 square feet or more of area in any one plane, except decks, fences, or balconies.

(m) “Total value” means the total value of new construction or an alteration as calculated and determined by the chief building official in the same manner as for permit and building plan review fees under Section 107.2 of the California Building Code as adopted by the city.
Section 3. Section 8.17.030 is amended to read as follows:

8.17.030  Diversion Requirements.

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

(a) From demolition:

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

(b) From new construction:

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

(c) From alterations:

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

(d) From roofing:

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

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

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

[Signature]
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 7th day of April, 2003, and adopted thereafter at a regular meeting of the City Council held on the 21st day of April, 2003, by the following vote:

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

[Signature]
City Clerk