

ORDINANCE NO. 1727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND AMENDING CHAPTER 13.40 OF TITLE 13 OF THE WOODLAND MUNICIPAL CODE RELATING TO CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND DIVERSION

WHEREAS, the City of Woodland, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11) requires all jurisdictions within California to recycle or reuse sixty-five percent (65%) of nonhazardous construction and demolition waste for applicable residential and non-residential projects; and

WHEREAS, the City Council desires to amend Chapter 13.40 of the Woodland Municipal Code relating to construction and demolition debris recycling and diversion to increase the amount of construction and demolition debris diverted from landfills; and

WHEREAS, the City desires to increase the deposit amount an applicant for a building or demolition project (herein referred to as a “Permit Holder”) must place prior to receiving the permit to encourage Permit Holders to recycle and divert as much construction and demolition debris as possible in order to receive their deposit back; and

WHEREAS, the City desires to encourage deconstruction of existing structures to increase diversion efforts; and

WHEREAS, the amendments to the Woodland Municipal Code which are enacted by the adoption of this Ordinance are described in the council agenda statement and staff report accompanying this Ordinance.

NOW, THEREFORE, the City Council of the City of Woodland does ordain as follows:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Amendments to Chapter 13.40. Chapter 13.40 of Title 13 of the Woodland Municipal Code is hereby amended as provided in Exhibit “A”, attached hereto and incorporated herein by reference.

SECTION 3. California Environmental Quality Act (CEQA). The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Ordinance is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 4. Severability. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 5. Effective Date. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in a newspaper of general circulation at least five (5) days prior to the

meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

INTRODUCED at a regular meeting of the City Council of the City of Woodland, California on the 19th day of November, 2024, and **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Woodland at a regular meeting held on the 3rd day of December, 2024 by the following vote:

AYES: Members Fernandez, Lansburgh, Stallard, Vega and Mayor Garcia-Cadena

NOES: None

ABSENT: None

ABSTAIN: None



Tania Garcia-Cadena, Mayor

APPROVED AS TO FORM:

ATTEST:



Ethan Walsh, City Attorney

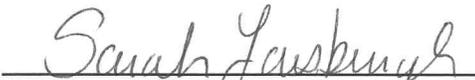

Sarah Lansburgh, CMC, City Clerk

EXHIBIT A

Chapter 13.40

Chapter 13.40. CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING AND DIVERSION

13.40.010 Definitions.

Unless otherwise indicated, the following definitions shall apply to all provisions of this chapter:

“Administrative fee” means a non-refundable fee submitted by the Permit Holder to the City as described in Section 13.40.070. This fee shall be deposited in the City’s solid waste fund to cover costs associated with this chapter.

“Compliance official” means the staff person(s) designated by the City Manager authorized and responsible for implementing this chapter.

“Construction” means the building of any facility or structure or any portion thereof, including any tenant improvements, to an existing facility or structure.

“Construction and demolition debris” means discarded materials generally not considered water soluble and non-hazardous in nature resulting from construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including, but not limited to:

1. Masonry building materials including all products generally used in construction including, but not limited to, asphalt, concrete, rock, stone, mortar, and brick;
2. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, contaminated, or painted;
3. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames, and fences;
4. Clean cardboard, paper, plastic, wood, and metal scraps from any construction project;
5. Other non-hazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry.

“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.

"Deconstruction" means the systematic and careful dismantling of a structure, typically in the opposite order it was constructed, in order to maximize the salvage of materials and parts for reuse and recycling.

“Deposit” means a cash dollar amount provided to the City at the time of submitting the Waste Reduction and Recycling (WRR) Plan or permit issuance. Refunds of the deposit (without interest) are dependent on the level of compliance with this chapter as described in Section 13.40.090. Forfeited deposits shall be deposited in the City’s solid waste fund and will be used to implement the City’s recycling program.

“Divert” means to use material for any purpose other than disposal in a landfill.

“Excavated soil and land clearing debris” means soils, trees, stumps, rocks and associated vegetation resulting primarily from land clearing.

“Permit Holder” means the Property Owners (including Corporations), California Licensed Contractors, and Agents of either Owners or Contractors who are allowed to be issued a permit per California Health and Safety

Code sections 19825 and 19826, that applies to the City for the applicable permits to undertake any construction or demolition project within the City.

“Project” shall have the meaning set forth in Section 13.40.020 of this chapter.

“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.

“Proof of diversion” means all weight slips for any self-hauled trash and recycling loads and materials donated for reuse and/or a diversion report from the franchised hauler, as applicable.

“Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

“Renovation” means any change, addition, or modification in an existing structure.

“Reuse” means further or repeated use of construction or demolition debris, including salvageable materials such as wallboard, doors, windows, fixtures, toilets, sinks, bath tubs, and appliances.

“Self-haul” means a waste generator transporting its own waste and/or recyclable materials rather than contracting with an authorized contractor or an alternative recycler for that service.

“Universal waste” means electronic devices, batteries, electric lamps, mercury-containing equipment, cathode ray tubes (CRTs), CRT glass, non-empty aerosol cans and other items or materials categorized as universal waste by the California Department of Toxic Substances Control.

“Waste Reduction and Recycling Plan” or “WRR Plan” means a completed City-provided form submitted before the issuance of a building and/or demolition permit, approved by the compliance official for the purpose of compliance with this chapter.

“Waste Reduction and Recycling Report” or “WRR Report” means a completed City-provided form submitted upon request or after demolition or construction, as a precedent to final inspection and issuance of any certificate of occupancy, approved by the compliance official for the purpose of compliance with this chapter.

13.40.020 Applicability of chapter.

Projects subject to the requirements of this chapter include any project which consists of one or more of the following, unless exempted as specified in Section 13.40.030:

- A. Demolition of a building or structure, or a portion thereof, whenever a building permit is required;
- B. Construction of a new commercial, industrial, or institutional building or structure whenever a building permit is required;
- C. Construction of a new residential building or structure whenever a building permit is required;
- D. Addition or alteration of a commercial, industrial, or institutional building or structure whenever a building permit is required;
- E. Addition or alteration of existing residential buildings or structures where the addition or alteration increases the building’s conditioned area, volume, or size.

13.40.030 Exemptions.

The following projects shall not be subject to the provisions of this chapter:

- A. Addition or alteration of residential buildings where the addition or alteration does not increase the building's conditioned area, volume or size;
- B. Addition or alteration of a commercial, industrial, or institutional building if a building permit is not required for work;
- C. 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);
- D. A project contaminated by hazardous substances or waste as defined by State or Federal law;
- E. Residential projects three stories or less that generate or are anticipated to generate a total combined weight of construction and demolition waste disposed of in landfills, which do not exceed 3.4 pounds per square foot of the building area, provided that Permit Holders shall retain information documenting eligibility for this exemption for a period of three years which shall be provided to the City upon request;
- F. Residential projects four stories or more or nonresidential projects that generate or are anticipated to generate a total combined weight of construction and demolition waste disposed of in landfills, which do not exceed two pounds per square foot of the building area, provided that Permit Holders shall retain information documenting eligibility for this exemption for a period of three years which shall be provided to the City upon request.

In addition to the exemptions listed above, the type and scope of projects exempt from the provisions of this chapter are subject to change based on the requirements of the current California Green Building Standards Code.

13.40.040 Diversion requirements.

- A. Sixty-five percent (or current C&D diversion requirement set forth in the California Green Building Standards Code, whichever is more stringent) of construction and demolition debris generated from every applicable project shall be diverted from landfills by using recycling, reuse, and diversion programs. Separate calculations and reports will be required for the construction and demolition portions of projects that involve both activities. The City's current C&D diversion requirement shall be specified on the WRR Plan, WRR Report, and the City website.
- B. One hundred percent of excavated soil and land clearing debris generated from every applicable nonresidential construction, remodeling, or demolition project shall be diverted from going to landfills by using recycling, reuse, and diversion programs. However, excavated soil and land clearing debris shall not be reused if it is contaminated by disease or pest infestation. This diversion requirement shall extend to every applicable residential construction, remodeling, or demolition project if required by the California Green Building Standards Code.
- C. Universal waste items present at every applicable construction, remodeling, or demolition project shall be disposed of properly and diverted from landfills. A list of prohibited universal waste items shall be included in the construction documents for the applicable project. The Permit Holder shall verify compliance with this subsection in its proof of diversion under Section 13.40.090.

13.40.050 Deconstruction.

In preparing the WRR Plan, Permit Holders for permits involving the demolition of all or part of an existing structure shall consider deconstruction, to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to being transported for disposal in a landfill or transformation facility.

13.40.060 Information required before issuance of building or demolition permit.

- A. Submittal of WRR Plan. Every Permit Holder shall submit a WRR Plan completed by the person responsible for managing the waste and recycling for each project as provided by the City as a

requirement of the building or demolition permit process. The plan shall be submitted as part of the building permit application packet. The WRR Plan can cover multiple building permits for projects that are occurring at the same time, by the same Permit Holder, on the same project site. Separate WRR Plans must be submitted for each batch of building permits requested. The Permit Holder must provide information on the form that identifies project information and materials to be recycled and/or disposed of and facilities or service providers to be used, whether construction and demolition debris will be sorted on-site (source-separated) or bulk mixed (single stream), methods to reduce the amount of construction and demolition debris generated, and whether the amount of construction and demolition debris will be calculated by weight or volume. The WRR Plan, administrative fee and deposit for each requested building or demolition permit must be submitted before the permit may be issued. Solid waste and construction and demolition debris can only be self-hauled or collected and transported by the City's franchise solid waste hauler as described in Sections 13.08.030, 13.08.040 and 13.36.030(A)(3).

- B. Approval of WRR Plan. Notwithstanding any other provisions of this chapter, no building or demolition permit shall be issued for any project as defined in Section 13.40.020 unless and until the compliance official has approved the WRR Plan. The compliance official shall only approve a WRR Plan if he or she determines that it contains all of the information set forth in subsection A of this section. If the compliance official determines that all of the above conditions have been met, he or she shall mark the WRR Plan "approved," return a copy of the plan to the Permit Holder, and notify the Community Development Department that it has been approved.
- C. Denial of WRR Plan. If the compliance official determines that the WRR Plan is incomplete, he or she shall return it to the Permit Holder marked "incomplete, further explanation required." The Permit Holder must then submit additional information before the WRR Plan can be reviewed and the building or demolition permit issued.

13.40.070 Administrative fee.

A non-refundable administrative fee will be charged for each building or demolition permit in an amount as may be established by City Council resolution to cover the cost for all City expenses incurred in administering this chapter.

13.40.080 Deposits.

Each Permit Holder for a covered project shall submit a deposit calculated at three percent of the estimated total project valuation. Permits without a valid estimated total project valuation shall submit a deposit calculated at \$0.25 per square foot of the project area. The deposits shall be a minimum of \$500 and not exceed \$15,000 per covered project. Permits may not be issued until the deposit is paid. The terms of receiving a refund of the deposit are described in Section 13.40.100.

13.40.090 Compliance with diversion requirements.

- A. Inspection Authority. During demolition or construction, the compliance official may inspect project sites to determine compliance with the WRR Plan. When the Permit Holder has received a determination of non-compliance or good faith effort to comply on previous projects subject to this chapter, or upon the City's request, the Permit Holder may be required to submit additional proof of diversion on a scheduled basis. The Permit Holder, if requested, must supply proof of diversion within five business days. Failure to comply with the WRR Plan or the submittal of requested proof of diversion during construction or demolition may be grounds for issuance of a "stop work" order and/or issuance of administrative citations. Each day that the Permit Holder fails to comply with the requirements of this section constitutes a separate offense.
- B. WRR Report. Recyclables must be diverted from the landfill in order to meet the requirements of this chapter. WRR Reports are to be submitted after all construction debris are recycled or disposed of as a precedent to final inspection and certificate of occupancy.

WRR Reports must include proof of diversion for the entirety of the project and all debris generated. The required paperwork for the WRR Report includes:

1. Submittal of a completed City-provided WRR Report;
2. Receipts from the vendor or facility which collected or received each material showing the actual weight or volume 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, photos or proof of material salvaged or reused in current project with estimated tonnage and/or anticipated reuse. Each receipt or photo 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;
4. Any additional information needed to support a determination of compliance or non-compliance.

If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the compliance official before issuance of a building permit for the construction project.

Permit Holders with expired permits will have 30 days to respond to requests regarding the status of their project. Failure to respond will deem the project non-compliant. A new WRR Plan and deposit will be required for reopened permits.

13.40.100 Compliance determination.

Determination of Compliance and Refund of Deposit. The compliance official shall review the end of project WRR Report within 30 calendar days and determine whether the Permit Holder has complied with the diversion requirement, as follows:

- A. Full Compliance. The compliance official will notify the Permit Holder and Community Development Department if they determine that the diversion requirements have been met. The deposit shall be returned to the payee, without interest, through the original payment method within 30 calendar days of the compliance determination.
- B. Good Faith Effort to Comply. If the compliance official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the Permit Holder has made a good faith effort to comply with this chapter. In making this determination, the compliance official shall consider the availability of markets for the construction debris landfilled, the size of the project, and the documented efforts of the Permit Holder to divert construction debris. The Permit Holder and Community Development Department will be notified if this determination is made. A partial (50%) refund of the deposit will be issued to Permit Holders receiving a “good faith effort to comply.” The partial refund will be issued within 30 calendar days of the compliance determination.
- C. Noncompliance. If the compliance official determines that the Permit Holder has not made a good faith effort to comply with this chapter no refund will be issued. The deposit shall be forfeited entirely for failure to comply with the requirements of this chapter. Any deposit that is forfeited shall be deposited in the solid waste fund and will be used to implement the City’s recycling program. Permit Holders that have previously received a “noncompliance” determination will be required to post a deposit that is five percent of the total project cost for the Permit Holder’s next five consecutive projects (not to exceed \$25,000.00 for each project) following the noncompliance determination. Upon the compliance official’s determination that the applicant has complied with this chapter for the five projects, the applicant shall not be required to comply with the five percent deposit provision (and will only be subject to the three percent deposit requirement in this Section 13.40.080), unless a new violation of this chapter has occurred.

Projects that have been constructed without an approved WRR Plan shall be deemed non-compliant and subject to a penalty equal to three percent of the estimated total project valuation. Permit Holders who have both previously constructed a project without an approved WRR Plan and previously received a determination of noncompliance shall be subject to a penalty equal to five percent of the estimated total project valuation. Funds received from penalties and fines shall be used to implement the City's recycling program and deposited in the solid waste fund.

13.40.110 Appeal.

Within 30 days of written notification of a determination of noncompliance or good faith effort to comply, the Permit Holder has the right to meet with the City Manager, and/or designee, to review the items cited in the written notice and provide any additional evidence to support compliance. Within 15 days of such meeting, the City Manager, and/or designee, will make a final, written determination of compliance based on the reviews of additional evidence, together with the original WRR Report and proof of diversion. The City Manager, and/or designee, will send a copy of the final, written determinations, including reasons for a noncompliance determination, if any, to the Permit Holder. The City Manager's decision is final.

13.40.120 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council declares that it would have adopted this chapter, including every section, subsection, sentence, clause and phrase, irrespective of whether one or more sections, subsections, sentences, clauses or phrases is held invalid.