

ORDINANCE NO. 628

**ORDINANCE ADDING CHAPTER 15.18 TO TITLE 15
OF THE HILLSBOROUGH MUNICIPAL CODE**

THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH DOES ORDAIN as
follows:

Section 1. A new chapter, Chapter 15.18, is hereby added to the Hillsborough
Municipal Code to read as follows:

Chapter 15.18

RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS

Sections:

15.18.010 Purpose.

15.18.020 Waste Reduction Plan.

15.18.030 Payment of Monitoring Costs:

15.18.040 Penalties.

15.18.010 Purpose

The California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 through 49620), created by AB 939 (chaptered as 1095) of the 1989 Legislative Session, declares that "the amount of solid waste generated in the state coupled with diminishing landfill space and potential adverse environmental impacts from landfilling constitutes an urgent need for state and local agencies to enact and implement an aggressive new integrated waste management program." (Public Resources Code Section 40000(d)) Under Public Resources Code Section 41780, the town is required to divert 50 percent of all solid waste on and after January 1, 2000, through source reduction, recycling, and composting activities. Under Public Resources Code Section 41850, the California Integrated Waste Management Board may impose administrative civil penalties upon the town of up to ten thousand dollars (\$10,000) per day for

failure to make a good faith effort to implement the town's source reduction and recycling element adopted by the town as mandated by Section 41000 of the Public Resources Code.

The purpose of this chapter is to help the town to meet its 50 percent diversion requirement, as described above.

15.18.020 Waste Reduction Plan.

A. No building or demolition permit shall be issued until the applicant has submitted a Waste Reduction Plan in the form required by the Building Official and until the Waste Reduction Plan has been approved by the Building Official or his or her designee.

B. Every person or entity to whom a building or demolition permit has been issued ("Permittee") shall comply with the provisions of the approved Waste Reduction Plan applicable to the permit.

C. If the Permittee subsequently wishes to amend the approved Waste Reduction Plan, the Permittee shall submit the request in writing to the Building Official. The Building Official or his or her designee shall approve or deny the requested amendment, as submitted or as modified by the Building Official or his or her designee, as appropriate.

D. The Permittee shall collect and retain (i) weight tickets, (ii) an inventory of reused items, (iii) receipts and other records from all recipients of discarded material that demonstrate the reuse, recycling, and disposal of all material generated by and hauled from the project, and (iv) such other documentation as necessary to establish compliance with the approved Waste Reduction Plan.

E. Prior to final inspection of the project or as otherwise required by the Waste Reduction Plan, the Permittee shall complete and submit to the Building Official a Diversion Summary Sheet and the documentation described in paragraph D above.

15.18.030 Payment of monitoring costs.

Any person or entity which has previously failed to comply with an approved Waste Reduction Plan or with the other provisions of this ordinance may, at the time of submitting any subsequent Waste Reduction Plan for approval, be required to pay a monitoring fee in the amount set from time to time by resolution of the city council to cover the costs of monitoring

compliance with the approved Waste Reduction Plan. The decision as to whether the facts warrant the imposition of the monitoring fee shall be made by the Building Official.

15.18.040 Penalties.

The requirements of this chapter 15.18 constitute some of the "other data and information as may be required by the building official" set forth in item 7 of 106.3.1 of Section 106 Permits of the 1997 Uniform Building Code incorporated in this code as set forth in section 15.04.020.

Accordingly, violation of any provision of this chapter, including, but not limited to,

(i) Demolition or construction before having or without having an approved Waste Reduction Plan,

(ii) Failure to comply with the approved Waste Reduction Plan (as amended, if applicable),

(iii) Failure to provide all required documentation prior to final inspection or as required by the Waste Reduction Plan,

shall subject the violator to a penalty of up to ten times the permit fee for the building or demolition permit, as determined by the Building Official, as set forth in sections 15.04.070 and 15.70.020A of this code.

Section 2. Upon the effective date of this ordinance, Resolution No. 99-11 shall be of no further force and effect.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the Town of Hillsborough hereby declares that it would have adopted the remainder of this ordinance, including each section, subsection, sentence, clause, phrase, or portion, irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.

Section 4. This ordinance shall be printed and posted upon the three official bulletin boards of the Town of Hillsborough and shall be effective thirty days after adoption.

John Fannon
MAYOR OF THE TOWN OF HILLSBOROUGH

ATTEST:

Katharina Spray
City Clerk

ORDINANCE NO. 628 of the TOWN OF HILLSBOROUGH introduced on November 13, 2001, and adopted on December 10, 2001, by the following vote of the City Council:

AYES:	Council Members	<u>Kasten, Adams, Mullooly, Regan, Fannon</u>
NOES:	Council Members	<u>None</u>
ABSENT:	Council Members	<u>None</u>
ABSTAIN:	Council Members	<u>None</u>