

## **Part 15 CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM**

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### **9.10.2400 Establishment.**

There is hereby established the construction and demolition diversion deposit program.

(Ord. 26219.)

### **9.10.2410 Diversion deposit and clearance document required.**

A. Except as otherwise specified in this part, on or after March 1, 2001, each person who applies for a building permit pursuant to Chapter 24.02 of this Code shall apply for a construction and demolition debris clearance document to be issued by the director. On or after March 1, 2001, no building permit shall be issued unless the applicant submits the clearance document issued by the director.

B. Except as otherwise specified in this part, on or after July 1, 2001, each person who applies for a building permit pursuant to Chapter 24.02 of this Code shall remit a diversion deposit in the amount set forth by resolution of the city council. The diversion deposit shall be remitted at the same time the permit application is filed.

(Ord. 26219.)

### **9.10.2420 Special exception for roofing projects.**

A. No diversion deposit shall be required for any roofing project until January 1, 2002. On or after January 1, 2002, each person who applies for a building permit for a roofing project shall remit a diversion deposit in the amount set forth by resolution of the city council.

B. The director of environmental services may extend the date of the roofing project exception specified in subsection A. if the director finds such extension is necessary due to administrative constraints. The director shall make any such extension in writing and shall state the reasons for the extension.

(Ords. 26219, 26556.)

#### **9.10.2430 Diversion deposit exemptions.**

Neither a construction and demolition debris clearance document nor a diversion deposit shall be required for the following:

- A. Work for which a building permit is not required under Section 24.02.120.
- B. New residential construction projects of less than one hundred fifteen thousand dollars (\$115,000.00) in value.
- C. New non-residential construction projects of less than one hundred thirty-five thousand dollars (\$135,000.00) in value.
- D. Residential alterations of less than two thousand dollars (\$2,000.00) in value.
- E. Non-residential alterations of less than five thousand dollars (\$5,000.00) in value.
- F. Roofing projects.
- G. Work for which only a plumbing permit, only an electrical or only a mechanical permit is required.
- H. Seismic tie-down projects.
- I. The installation or replacement of shelves.
- J. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
- K. Installation of swimming pools and spas, provided that the exemption shall apply only to (i) the area to be excavated for the installation of the pool or spa and (ii) the area for the pad for the pool/spa equipment that does not exceed sixteen (16) square feet, and shall not apply to any related construction or alterations necessary for any other equipment or accessories, nor to any other portion of the project.
- L. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.

(Ords. 26219, 26556, 28007.)

#### **9.10.2440 Refund of diversion deposit.**

- A. The director may authorize the refund of any diversion deposit which was erroneously paid or collected.

B. The director may authorize the refund of any diversion deposit when the building permit application is withdrawn or cancelled before any work has begun.

C. The director may authorize the refund of a diversion deposit when at least fifty (50) percent of the waste generated by the project was diverted from landfill disposal.

D. The director may authorize a partial refund of a diversion deposit when less than fifty (50) percent by weight of the waste generated by the project was diverted from landfill disposal. The partial refund shall not exceed that portion of the diversion deposit that is in the same ratio as the demonstrated amount of diverted waste bears to fifty (50) percent by weight of the total waste generated.

E. The director shall not authorize the refund of any diversion deposit, or any portion thereof, unless the original building permit applicant files a written request for refund no later than twelve (12) months after the building permit is no longer active for any reason (including because the project has been completed, the permit has been withdrawn, or the permit has been revoked), and the applicant provides documentation satisfactory to the director in support of the request.

(Ord. 26219, 28007.)

#### **9.10.2450 Diversion of waste.**

A. For the purposes of this part, "diverted" or "diversion" means a reduction of the amount of waste being disposed in landfills by any of the following methods:

1. Use of new construction methods, as described in regulations promulgated by the director, that reduce the amount of waste generated.
2. On-site re-use of the waste.
3. Delivery of the waste from the site to a certified recycling facility described in Section 9.10.2460.
4. Other methods as approved in regulations promulgated by the director.

B. All of the waste diversion methods which may qualify for a refund of a diversion deposit are subject to restrictions and documentation requirements as set forth in regulations promulgated by the director.

(Ord. 26219.)

#### **9.10.2460 Certified recycling facilities.**

A. For the purposes of this part, a certified recycling facility means a recycling, composting, materials recovery or re-use facility for which the director has issued a certification pursuant to regulations promulgated by the director.

B. The director shall issue a certification only if the owner or operator of the facility submits documentation satisfactory to the director:

1. That the facility has obtained all applicable federal, state, and local permits, and is in full compliance with all applicable regulations; and

2. The percentage of incoming waste from construction, demolition, and alteration activities that is diverted from landfill disposal meets the required minimum percentage set forth in regulations promulgated by the director.

C. The city shall make available to each building permit applicant paying a diversion deposit a current list of certified recycling facilities.

(Ord. 26219.)

#### **9.10.2470 Use of diversion deposits.**

Moneys received by the city as diversion deposits shall be used only for:

A. Payment of diversion deposit refunds;

B. Costs of administration of the program established by this part;

C. Cost of programs whose purpose is to divert from landfill disposal the waste from construction, demolition and alteration projects; and

D. Costs of programs whose purpose is to develop or improve the infrastructure needed to divert from landfill disposal the waste from construction, demolition and alteration projects.

(Ord. 26219.)