

ORDINANCE NO. 3247

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
MUNICIPAL CODE CHAPTER 8.25, "RECYCLING,"
SECTIONS 8.25.020, "DEFINITIONS," AND 8.25.095
"CONSTRUCTION AND DEMOLITION DEBRIS
RECYCLING," IN ACCORDANCE WITH THE 2010
CALIFORNIA GREEN BUILDING STANDARDS CODE

WHEREAS, the California Green Building Standards Code (Title 24, Part 11) ("CALGreen Code") establishes mandatory minimum Green Building Standards, with which local jurisdictions are required to comply; and

WHEREAS, the California Building Standards Commission mandates that jurisdictions in California enforce the Green Building Standards Code; and

WHEREAS, the City of Chula Vista adopted the Green Building Standards Code into the Municipal Code in November 2010; and

WHEREAS, the City of Chula Vista adopted the Construction and Demolition Debris Recycling Ordinance (2008) as part of the comprehensive integrated waste management plan to divert materials from landfill disposal to beneficial reuse and recycling (AB 939 –The Waste Management Act); and

WHEREAS, diverting materials from landfill disposal to beneficial reuse positively impacts resource conservation, reduces greenhouse gas emissions, and enhances the local environment/community; and

WHEREAS, the 2010 CALGreen Code took effect on January 1, 2011, and was amended effective July 1, 2012; and

WHEREAS, changes to Sections 4.408 and 5.408 of the CALGreen Code require conforming amendments to Chula Vista Municipal Code Sections 8.25.020, "Definitions" and 8.25.095 "Construction and Demolition Debris Recycling," to allow for enforcement of the California Green Building Standards Code.

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

Section I. Section 8.25.020., subsection UU1., and section 8.25.095, subsections A. and B.1.-3., of Chapter 8.25 "Recycling," of the Chula Vista Municipal Code are amended as follows:

8.25.020.UU1. "Performance deposit" means cash, money order, check, or surety bond in the amount set forth in CVMC 8.25.095(B)(3).

8.25.095 Construction and demolition debris recycling. The provisions of this chapter shall outline the means of achieving compliance with California Green Building Standards Code (Title 24, Part II, 4.408 and 5.408) and this code. Where this code is more stringent, this code applies.

A. Projects.

1. Covered Projects. The following project categories are covered projects and must comply with this section:

a. Any project requiring a permit for demolition or construction, unless defined as a non-covered project in subsection (A)(4) of this section.

b. Any sequenced developments, such as housing subdivision construction or subdivision demolition, must be considered as a project in its entirety for purposes of this section, and not as a series of individual projects.

c. Any individually built single-family home.

2. City-Sponsored Projects. All City construction and demolition projects shall be considered covered projects and shall submit a waste management report to the City Manager or designee prior to issuance of any construction or demolition permits.

3. Tenant improvements greater than 1,000 square feet but less than 10,000 square feet, and individual single-family home construction, remodel, addition or renovation shall submit a waste management report only. No performance deposit is required.

4. Non-Covered Projects. A performance deposit and waste management report shall not be required for the following:

a. Work for which a construction or demolition permit is not required.

b. Roofing projects that do not include tear-off of existing roof.

c. Work for which only a plumbing, only an electrical, or only a mechanical permit is required.

d. Seismic tie-down projects.

e. Projects less than 1,000 square feet.

f. Emergency required to protect public health and safety.

B. Submission of Waste Management Report.

1. Construction and Demolition Waste Management Report Forms. Applicants for any covered project shall complete and submit a construction and demolition waste management report on a waste management report form (WMR) approved by the City for this purpose. The WMR may be administratively updated by the Public Works Director or designee to meet the requirements of the City and California Green Building Standards Code. The purpose of the WMR is to illustrate how the applicant plans to comply with the diversion requirements per CVMC 8.25.020(O6) and the California Green Building Standards Code Sections 4.408 and 5.408.

Upon project completion, the WMR will illustrate how the applicant complied with the diversion requirements.

2. Initial Application. Notwithstanding any other provision of this code and California Green Building Standards Code, no construction or demolition permit may be issued until the initial construction and demolition waste management report has been approved by the WMR Compliance Official. The WMR Compliance Official will respond to the applicant's WMR submittal within 10 business days with an approval, denial or request for clarification. If the WMR Compliance Official does not respond within 10 business days, the applicant should notify the Official. After notification by the applicant, the Official will then have three business days to complete the review. If the review is not completed within three business days after the notification, the deposit requirement will be waived.

3. Amount of Performance Deposit. The applicant for any covered project shall submit to the City a performance deposit, with the exception of City-sponsored projects, tenant improvements greater than 1,000 square feet but less than 10,000 square feet, and individual single-family home construction, remodel, addition or renovation projects. The amount of the performance deposit shall be calculated as the lesser of three-quarters of one percent of the total project cost for new construction and one and one-half percent of the total project costs for demolition projects or \$30,000 maximum. Acceptable forms of payment include cash, money order, check, or surety bond. All bonds shall be in the form prescribed by the City and by such sureties which are admitted insurers in the state of California, are subject to regulation by the Department of Insurance, and which satisfy all state requirements. The City shall not accept a surety bond for any project with a performance deposit calculated at \$10,000 or less.

Performance deposit funds in the form of cash, money order, or check will be placed in a secured account, subject to interest. The performance deposit and accrued interest shall be returned to the applicant upon acceptance of proof of compliance in full. If partial compliance, the performance deposit and associated interest will be refunded on a prorated basis dependent on the degree of compliance. The City will retain the interest on any deposit funds not refunded.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date


This Ordinance shall take effect and be in force on the thirtieth day after its final passage.


Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by


Richard Hopkins
Director of Public Works

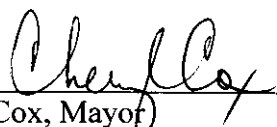

Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 11th day of December 2012, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Ramirez, Salas and Cox

NAYS: Councilmembers: None

ABSENT: Councilmembers: None


Cheryl Cox, Mayor

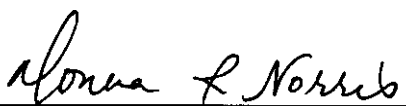
ATTEST:


Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3247 had its first reading at a regular meeting held on the 4th day of December 2012 and its second reading and adoption at a regular meeting of said City Council held on the 11th day of December 2012; and was duly published in summary form in accordance with the requirements of state law and the City Charter.


Dated


Donna R. Norris, CMC, City Clerk