

ORDINANCE NO. 3270

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
MUNICIPAL CODE SECTIONS 8.25.020 AND 8.25.095
CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

WHEREAS, in 2008 the Chula Vista City Council adopted the Construction and Demolition Debris Recycling Ordinance Chula Vista Municipal Code (“CVMC”) section 8.25.095 (“C & D Ordinance”) as a necessary program to meet the State mandated 50% landfill diversion requirement (AB 939- The Solid Waste Management Act); and

WHEREAS, the C & D Ordinance was modified in 2008 and 2009 as the result of active stakeholder input; and

WHEREAS, in 2010 the City Council adopted the California Green Building Standards Code to ensure that California buildings were built to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices; and

WHEREAS the C & D Ordinance was modified to conform to the California Green Building Standards Code in 2012; and

WHEREAS, City staff recommends that the C & D Ordinance and CVMC section 8.25.020 be amended to clarify the definition of inert waste, remove the interest payment requirement and corresponding tax liability for developers/applicants, and adjust the time frame for deposit refunds; and

WHEREAS, the proposed changes to the CVMC are the result of active, continuous improvements to the program processes and clarification of the definitions as motivated by stakeholder input, California Green Building Standards Code changes and staff review.

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

Section I. Ordinance Modifications

The below referenced sections of Chula Vista Municipal Code Chapter 8.25 are amended as follows:

A. Section 8.25.020 Definitions: Subsection EE is amended to read:

“EE. “Inert waste” means materials such as concrete, soil, fully cured asphalt, bricks, rocks, slag, ceramics, earthen cooking ware, clay and clay products, crushed glass, fiberglass, roof shingles, and plaster. Inert waste does not contain putrescible waste or compostable waste.”

B. Section 8.25.095.B Submission of Waste Management Report:

1. Subsection 3 is amended to read:

“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. The performance deposit shall be returned to the applicant upon acceptance of proof of compliance in full. If partial compliance, the performance deposit will be refunded on a prorated basis dependent on the degree of compliance.”

2. Subsection 6.a is amended to read:

“a. Compliance. If the WMR Compliance Official determines that the applicant has fully complied with the diversion requirement applicable to the project, he or she shall cause the release of the performance deposit to the applicant within 60 days of the applicant’s submission of the documentation required under this section. If the applicant has complied in part, a portion of the performance deposit will be withheld. The amount withheld will be proportional to the percentage of materials that are not recycled/diverted.”

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

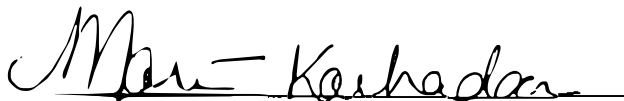
This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

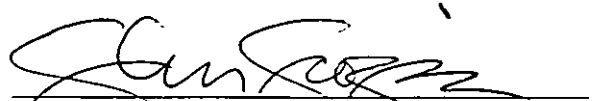
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by



Maria Kachadoorian
Director of Finance/Treasurer



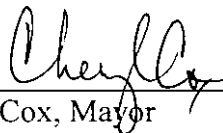
Glen R. Goggins
City Attorney



Richard Hopkins
Director of Public Works

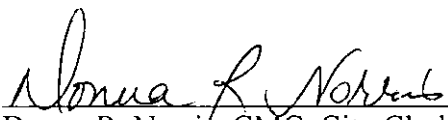
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 16th day of July 2013, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Salas and Cox
NAYS: Councilmembers: None
ABSENT: Councilmembers: Ramirez



Cheryl Cox, Mayor

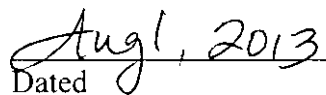
ATTEST:



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. 3270 had its first reading at a regular meeting held on the 9th day of July 2013 and its second reading and adoption at a regular meeting of said City Council held on the 16th day of July 2013; 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