

ORDINANCE NO. 1497

**AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA,
AMENDING CHAPTER 8.13 (CONSTRUCTION AND DEMOLITION
WASTE DISPOSAL) OF TITLE 8 (HEALTH AND SAFETY) OF THE
SIERRA MADRE MUNICIPAL CODE**

RECITALS

WHEREAS, Chapter 8.13 of the Sierra Madre Municipal Code currently designates the Director of Public Works as the official responsible for regulating construction and demolition waste disposal within the City; and

WHEREAS, it is necessary to amend Chapter 8.13 to replace references to the "Director of Public Works" with the "Director of Planning and Community Preservation" in order to accurately reflect current administrative practice and clarify departmental responsibility; and

WHEREAS, Chapter 8.13 is further proposed to increase the minimum required diversion rate from fifty percent to sixty-five percent, consistent with the California Green Building Standards Code (CALGreen), to support regional and state solid waste diversion goals; and

WHEREAS, the City has revised its fee schedule to include fees for waste management plan review, inspections, and performance-based security deposits in lieu of performance bonds, in order to streamline compliance, reduce staff time, and ensure cost recovery; and

WHEREAS, the City will implement an online tracking system to facilitate electronic reporting and verification of construction and demolition waste diversion, improve data accuracy, and enhance monitoring of diversion performance in accordance with City requirements.

THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Amendment and Addition. Chapter 8.13 (Construction and Demolition Waste Disposal) of Title 8 (Health and Safety) of the Sierra Madre Municipal Code is amended to read as shown in Exhibit 1 and attached herein, with additions denoted by underlined text and deletions denoted by struck-through text.

SECTION 3. CEQA. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the public hearing on the matter held by the City Council, and hereby determines that the text amendments to Chapter 8.13 (Construction and Demolition Waste Disposal) of Title 8 (Health and Safety) of the Sierra Madre Municipal Code will not have a significant effect on the environment and is therefore exempt from CEQA review, pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 4. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraph, sentences, clauses or phrases be declared invalid.

SECTION 5. Certification. Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Ordinance by the City Council.

SECTION 6. Publication. Pursuant to Government Code Section 36933, the City Clerk shall cause this Ordinance to be published or posted.

SECTION 7. Records. Pursuant to Government Code Section 40801, proof of certification and publication shall be entered in the book of Ordinances of the City Council.

SECTION 8. Effective Date. Pursuant to Government Code Section 36937, this Ordinance shall take effect thirty days after its adoption.

PASSED, APPROVED, AND ADOPTED this 25th day of August, 2026.


Kristine Lowe, Mayor

I HEREBY CERTIFY that the foregoing Ordinance was introduced by first reading on the 14th day of July 2026, and duly adopted at a regular meeting held on the 25th day of August 2026, by the City Council of the City of Sierra Madre, California, by the following vote:

AYES: Mayor Kristine Lowe, Mayor Pro Tem Gene Goss, Council Members Edward Garcia, Kelly Kriebs, and Robert Parkhurst

NOES: None.

ABSENT: None.

ABSTAINED: None.


Laura Aguilar, City Clerk

Approved as to form:


City Attorney

EXHIBIT 1

Title 8 - HEALTH AND SAFETY Chapter 8.13 CONSTRUCTION AND DEMOLITION WASTE DISPOSAL

Chapter 8.13 CONSTRUCTION AND DEMOLITION WASTE DISPOSAL

Sections:

8.13.010 Findings.

- A. Under California law as embodied in the California Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq.), the city of Sierra Madre is required to prepare, adopt, and implement source reduction and recycling plans to reach landfill diversion goals, and is required to make substantial reductions in the volume of waste materials going to landfills or face fines of up to ten thousand dollars per day.
- B. In order to meet these goals, it is necessary that the city promote the reduction of solid waste, and reduce the stream of solid waste going to landfills.
- C. Waste from construction, demolition, and renovation of buildings represents a significant portion of the volume of waste currently generated in the city of Sierra Madre, and much of this waste is particularly suitable for recycling and reuse.
- D. The city's commitment to the reduction of waste requires the establishment of programs for recycling and salvaging of construction and demolition waste.
- E. The adoption of Chapter 8.13 will further the public health, safety and general welfare relative to solid waste disposal.
- F. The adoption of Chapter 8.13 is consistent with the general plan's goals, objectives and policies.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.020 Definitions.

For the purposes of this chapter, words and phrases should be construed as follows, unless it is apparent from its context that a different meaning is intended:

"Applicant" or "C&D applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city.

~~"C&D recycling center" means a facility that receives only C&D material that has been separated for reuse prior to receipt, in which the residual or disposed amount of waste in the material is less than ten percent of the average weight of material separated for reuse received by the facility over a one-month period.~~

"City-sponsored project" means a project constructed by the city or a project receiving fifty percent or more of its financing from the city.

"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 material" or "C&D material" means building materials and solid waste resulting from construction, remodeling, repair, cleanup or demolition operations that are not hazardous as defined in California Code of Regulations, Title 22, Section 66261.3, et seq. This term includes, but is not limited to, asphalt,

concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe and steel. The material may be commingled with rock, soil, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.

"Conversion rate" ~~means the rate set forth in the standardized conversion rate table established pursuant to applicable CalGreen requirements for use in estimating the volume or weight of materials identified in the waste management plan.~~
~~means the rate set forth in the standardized conversion rate table approved by the city pursuant to this chapter for use in estimating the volume or weight of materials identified in the waste management plan.~~

"Compliance Report" means the documentation submitted by an applicant demonstrating compliance with the construction and demolition waste diversion requirements of Sections 4.408.1 and 5.408.1 of Title 24, Part 11 of the California Code of Regulations (CALGreen), including records sufficient to verify that at least sixty-five percent of nonhazardous construction and demolition waste was recycled and/or salvaged for reuse.

"Covered project" shall have the meaning set forth in Section 8.13.030.

"Deconstruction" means the careful dismantling of buildings and structures in order to salvage as much material as possible.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

"Disposal" means the final deposition of construction and demolition of inert materials at a landfill.

"Diversion requirement" means the diversion of at least ~~fifty percent~~ sixty-five percent of the total nonhazardous construction and demolition material generated by a project via reuse, recycling, or deposition at an inert backfill site or inert disposal facility, consistent with the requirements of Sections 4.408.1 and 5.408.1 of Title 24, Part 11 of the California Code of Regulations (CALGreen), unless the applicant has been granted an exemption pursuant to Section 8.13.0870, ~~in which case the diversion requirement shall be the maximum feasible diversion rate established by the waste management plan compliance official in relation to the project.~~

"Divert" means to use material for any purpose other than disposal in a landfill or transformation facility.

"Franchisee" means a company that possesses a valid ~~permit~~contract or agreement from the city of Sierra Madre to collect and transport solid waste from individuals or businesses for the purpose of recycling or disposal under the city of Sierra Madre's name.

"Inert backfill site" means any location other than an inert landfill or other disposal facility to which inert materials are taken for the purpose of filling an excavation, shoring, or other soils engineering operation.

"Inert disposal facility/inert waste landfill" means a disposal facility that accepts only inert waste such as soil and rock, fully cured asphalt paving, uncontaminated concrete (including fiberglass or steel reinforcing rods embedded in concrete), brick, glass, and ceramics, for land disposal.

"Inert solids/inert waste" means nonliquid solid resources including, but not limited to, soil and concrete, that do not contain hazardous waste or soluble pollutants at concentrations in excess of water quality objectives established by a regional water board pursuant to Division 7, Section 13000, et seq. of the California Water Code and does not contain significant quantities of decomposable solid resources.

"Mixed material recycling facility" means a processing facility that accepts loads of mixed construction and demolition debris for the purpose of recovering reusable and recyclable materials and disposing the nonrecyclable residual materials.

"Performance security" means a refundable deposit provided to the City in accordance with Section 8.13.050 to ensure compliance with project requirements and returned upon verification that all applicable conditions, including documentation and diversion standards, have been satisfied.

~~"Performance security" means any performance bond, surety bond, money order, letter of credit, certificate of deposit, or restricted bank account, provided to the city pursuant to Section 8.13.040(D).~~

~~"Project valuation" means the total value of the structure proposed to replace an existing structure in a demolition project, as indicated on the building permit application or applications submitted to the city to obtain permits for the new construction.~~

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, or thermally destroying solid waste.

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

"Reuse" means the use, in the same or similar form as it was produced, or a material which might otherwise be discarded.

"Salvage" means the controlled removal of construction and demolition material from a permitted building or construction site for the purposes of recycling, reuse, or storage for later recycling or reuse.

"Separated for reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for reuse or recycling in order to return 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 secondary markets as determined by the city.

"Waste management plan" or "WMP" means a completed waste management plan ~~form~~, approved by the city for the purpose of compliance with this chapter, submitted by the applicant for any covered or noncovered project.

"Waste management plan compliance official" means the director of ~~planning public works~~ or his/her designee.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.030 Projects subject to waste management plan requirement.

- A. Mandatory Compliance. All projects within the city, ~~as further described in this section, and~~ including city-sponsored projects, ~~that alter, reconstruct, or eliminate fifty percent or more of a building's floor area or monetary value, or that the city reasonably determines have a valuation of fifty-thousand dollars which the city reasonably determines will cost as a valuation or more per pursuant to Section 105.3 of the California Building Code or Section R105.3 of the California Residential Code, or~~ fifty thousand dollars or more ~~to construct~~ shall ~~be subject to~~ comply with the WMP requirements of Section 8.13.040. Failure to comply with any of the terms of this chapter shall be punishable as a misdemeanor pursuant to Chapter 1.12 of this code.
- B. Voluntary Compliance. Applicants for permits for construction, demolition, and renovation projects which the city reasonably determines will cost less than fifty thousand dollars to construct shall be encouraged to divert at least ~~fifty percent~~ sixty-five percent of all project-related construction and demolition debris. Such applicants shall be required to make a good faith effort toward diversion.
- C. Compliance as a Condition of Approval. Compliance with the provisions of this chapter shall be a condition of approval on any building or demolition permit issued by the city and the building official shall provide the applicant written notice of that fact.
- D. Projects Exempt from Waste Management Plan Requirement. A waste management plan and deposit shall not be required for the following projects:
 - 1. Emergency demolition required to protect public health and safety;

-
2. Work for which a building or demolition permit is not required;
 3. Work for which only a plumbing, only an electrical, or only a mechanical permit is required;
 4. Projects where no structural building modifications are required;
 5. Roofing projects that do not include tear-off of existing roof;
 6. Seismic tie-down projects;
 7. Projects where a franchised hauler has been selected for C&D waste disposal per city requirements.
1. ~~Work for which a building or demolition permit is not required;~~
 2. ~~Roofing projects that do not include tear-off of existing roof;~~
 3. ~~Work for which only a plumbing, only an electrical, or only a mechanical permit is required;~~
 4. ~~Seismic tie-down projects;~~
 5. ~~Projects where no structural building modifications are required;~~
 6. ~~Emergency demolition required to protect the public health and safety.~~
- (Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.040 Submission of waste management plan.

- A. ~~WMP Forms.~~ Applicants for building or demolition permits subject to mandatory compliance pursuant to Section 8.13.040(A) ~~valued at more than fifty thousand dollars~~ shall ~~complete and~~ submit a waste management plan ("WMP"), unless the application certifies that the applicant has either ~~complete and submit a waste management plan ("WMP") on a form approved by the waste management plan compliance official.~~ Applicants ~~who~~ employed the services of a contractor holding a valid permit in accordance with the contractor's exclusion in Chapter 8.12 or selected a franchise hauler, in which the applicant shall be exempt from the ~~filing of a WMP~~ submitting a WMP. A completed WMP shall ~~indicate~~ include all of the following:
1. The estimated volume or weight of C&D material or debris, by material type, to be generated;
 2. The maximum volume or weight of such materials that can be feasibly be diverted via reuse or recycling;
 3. The vendor or facility that the C&D applicant proposes to use to collect or receive that material;
 4. The estimated volume or weight of C&D materials that will be sent to a disposal site; and
 5. The estimated volume or weight of inert materials to be sent to an inert disposal facility.
- B. Calculating Volume and Weight of Debris. In estimating the volume or weight of materials identified in the WMP, the C&D applicant shall use conversion rates approved by the city for this purpose or as provided in 8.13.070(B).
- C. For city-sponsored projects, the general contractor shall ~~prepare the waste management plan and submit it to the WMP compliance official~~ submit a WMP prior to issuance of the notice to proceed. ~~D. Upon approval of the waste management plan and prior to as required for finalization of demolition or construction permits under Section 8.13.050(A), the C&D applicant or permittee shall as WMP deposit the following performance security with the city of Sierra Madre Finance Department. The deposit may be in the form of a performance bond, surety bond, money order, letter of credit, certificate of deposit or restricted bank account.~~

Project Cost	Performance Security Amount (% of Project Cost)
\$50,000 to \$99,999	3.0%

\$100,000 to \$249,000	2.5%
\$250,000 to \$499,999	2.0%
\$500,000 to \$999,999	1.5%
\$1,000,000+	1.0%

~~E. Upon completion of the project and determination by the WMP compliance official of the project's compliance, partial compliance or noncompliance with the waste management plan under Section 8.13.060(C), the WMP compliance official shall determine the amount of the refund of the performance security. The amount of the refund shall be determined based on the following formula. In no case shall the amount of the refund exceed the amount of the deposit:~~

~~Refund = Final Diversion Rate from Waste Management Plan Form Report × Performance~~

~~Proposed Diversion Rate from Waste Management Plan = Security~~

DF. No provision of this chapter shall prevent a licensed contractor having a permit for the demolition or reconstruction of a building, structure, pavement, or concrete installation from marketing any saleable items or construction and demolition waste salvaged from such demolition or reconstruction. No provision of this chapter shall prevent a licensed contractor from causing such waste or salvageable items or construction and demolition waste to be removed from the premises on which such waste or salvageable items are generated, pursuant to the provisions of the demolition or construction contract, provided that such collection, removal, and disposal activity shall only be by the licensed contractor having the contract for the demolition or construction work that generated such salvageable items or construction or demolition waste, or by regularly employed personnel carried on the licensed contractor's payroll records as an employee, utilizing bins or transportation equipment owned by the licensed contractor.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.050 Waste management plan fee and performance security.

- A. Fees and deposits. Applicants for a covered project shall pay a C&D waste management plan review fee for administrative processing and provide a refundable deposit to ensure compliance with diversion requirements.
- B. Fee and deposit amounts. The review fee shall be established by resolution of the city council. The required deposit shall be calculated as the lesser of three percent of the project valuation or ten thousand dollars.
- C. Maximum deposit for multiple demolitions. Notwithstanding subsection B, where a project involves the demolition of multiple structures or facilities on a single property, the total required deposit for all demolition activities shall not exceed ten thousand dollars, regardless of project valuation or the number of structures.
- D. Deposit refund. If the compliance official determines that a project complies with the applicable waste management plan requirements in accordance with Section 8.13.070, the security deposit shall be refunded. If the compliance official determines that the project is noncompliant, the security deposit may be reduced or forfeited consistent with Section 8.13.080.

8.13.0650 Approval/Nonapproval Review of waste management plans.

- A. Approval. No building or demolition permit shall be issued for any project valued at more than fifty thousand dollars unless the applicant has identified the franchisee as his/her hauler or until the WMP compliance official has approved the WMP or an exemption from the WMP requirement. Approval shall not be required,

however, where demolition is urgently required to protect public health or safety. The WMP compliance official shall only approve a WMP if he/she determines that the following conditions have been met:

1. The WMP provides all of the information required by Section 8.13.040(A) of this chapter;
2. The WMP indicates that at least ~~sixty-five percent~~ fifty percent of all C&D debris generated by the project will be diverted from disposal sites; and
3. The facility to be employed by C&D applicant to collect or receive the material has obtained a permit from the California Integrated Waste Management Board for the collection of construction and demolition debris pursuant to applicable state statutes, ~~and a bond has been submitted pursuant to Section 8.13.040(D).~~

In approving a WMP pursuant to this section, the waste management plan compliance official may impose reasonable conditions.

- B. Nonapproval. If the WMP compliance official determines that the WMP is incomplete or fails to indicate that at least ~~sixty-five percent~~ fifty percent of all estimated C&D material or debris generated by the project will be reused or recycled, he/she shall either:
1. Deny the permit and provide the C&D applicant a statement of reasons; or
 2. Return the WMP to the C&D applicant requesting additional information

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.0760 Compliance with waste management plan.

- A. Documentation. Within thirty days after the completion of any project, the C&D applicant shall submit the WMP compliance report along with ~~to the WMP compliance official~~ documentation to demonstrate that it has met the diversion requirement for the project. This documentation shall include all of the following:
1. Receipts from the vendor or facility which collected or received each material, showing the actual weight or volume of that material;
 2. A copy of the WMP for the project which contains the actual volumes or weights of each material diverted and not diverted from disposal sites;
 3. Any additional information the C&D applicant believes is relevant to determining its efforts to comply in good faith with this chapter.
- B. Weighing of Wastes. C&D applicants shall make reasonable efforts to ensure that all C&D debris diverted or not diverted from disposal sites is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D material or debris shall be weighed on scales which comply with all regulatory requirements for accuracy and maintenance. For C&D material or debris for which weighing is not practical due to small size or other considerations, the C&D applicant shall measure the volume of the waste and express that volume in terms of weight using the conversion rates approved by the city for this purpose.
- C. Determination of Compliance. The WMP compliance official shall review the information submitted under subsection A of this section and determine whether the C&D applicant has complied with the diversion requirement, as follows:
1. Full Compliance. If the WMP compliance official determines that the C&D applicant has fully complied with the diversion requirement, he/she shall release any inspection holds and approve the finalization of demolition and construction permits for the project. ~~release the performance security with respect to the project.~~

-
2. Good Faith Effort to Comply. If the WMP compliance official determines that the diversion requirement has not been achieved for a project, he/she shall determine whether the C&D applicant has made a good faith effort to comply with this chapter. In making this determination, the WMP compliance official shall consider the availability of markets for the C&D material or debris not diverted from disposal sites, the size of the project, and the documented efforts of the C&D applicant to divert C&D material or debris. If the WMP compliance official determines that the C&D applicant has made a good faith effort to comply with this chapter, he/she shall release any inspection holds and approve the finalization of ~~release the performance security~~ demolition and construction permits with respect to the for the project.
 3. Noncompliance. If the ~~waste management plan~~ WMP compliance official determines that the C&D applicant has not made a good faith effort to comply with this chapter, or if the C&D applicant fails to submit the documentation required by subsection A of this section within the required time period, the applicant shall be subject to a civil penalty pursuant to Section 8.13.080. then the C&D applicant shall be assessed a penalty in an amount equal to that portion of the performance security that would not have been refunded for failure to achieve a fifty percent diversion rate for the project, as described in Section 8.13.030(E). The waste management plan compliance official may collect such penalty from the C&D applicant or permittee and may also deny or withhold any related inspections for the project. or may deduct it from the bond posted by the C&D applicant or permittee.
 - D. Withholding Construction Permits for Noncompliance. The building official shall not issue a certificate of occupancy or a final inspection approval pursuant to the building code of the city for any project for which a C&D applicant is not in compliance with this chapter, unless the that noncompliance has been resolved by through payment collection of the applicable civil penalty provided in this chapter.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.080 Civil penalties.

- A. Penalties. Pursuant to Chapter 1.12.010(B) of the Sierra Madre Municipal Code, the WMP compliance official is authorized to impose civil fines and penalties upon any permittee, applicant, or other responsible person who violates any provision of this chapter or fails to comply with any applicable law.
- B. Penalty amounts. Consistent with California Government Code Section 36901, civil fines, penalties, and forfeitures shall not exceed one thousand dollars per violation, per day.
- C. Deposit forfeiture. In the event where a C&D applicant fails to comply with Section 8.13.070, the WMP compliance official is authorized to assess a civil penalty. Any such penalty may be deducted from the required security deposit or may result in the partial or complete forfeiture of the security deposit. For each day that a violation continues, including each day on which required documentation is not submitted, may be treated as a separate violation subject to separate penalties, up to the maximum amount authorized by law.

8.13.0970 Infeasibility exemption.

- A. Application. If a C&D applicant experiences unique circumstances that he/she believes make it infeasible to comply with the diversion requirement, the C&D applicant may apply for an exemption at the time that he/she submits the WMP required under Section 8.13.030. The C&D applicant shall indicate the maximum diversion rate he/she believes is feasible for each material and the specific circumstances that he/she believes make it infeasible to comply with the diversion requirement.
- B. Meeting with Waste Management Plan Compliance Official. The waste management plan compliance official shall review the information supplied by the C&D applicant and may meet with the C&D applicant to discuss

ways to meet the diversion requirement. Based on the information supplied by the C&D applicant, the waste management plan compliance official shall determine whether it is possible for the C&D applicant to meet the diversion requirement.

- C. Granting of Exemption. If the waste management plan compliance official determines that it is infeasible for the C&D applicant to meet the diversion requirement due to unique circumstances, he/she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP. All of the following findings must be made prior to the approval of an exception:
1. There are exceptional or extraordinary circumstances or conditions applicable to the project that do not apply generally to similar projects; and
 2. Granting the exception will not constitute a grant of special privilege inconsistent with limitations imposed on like projects.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.1080 Appeal.

An applicant may appeal a decision of the waste management plan compliance official to deny, approve, or conditionally approve a waste management plan, to determine compliance or noncompliance with a waste management plan, or to determine eligibility for an infeasibility exemption by filing a notice of appeal with the office of the city manager no later than six calendar days following the issuance of the waste management plan compliance official's decision. The notice of appeal shall be in a form prescribed by the waste management plan compliance official, shall contain a statement of the reasons why the appellant believes the waste management plan compliance official's decision does not comply with this chapter, and shall set forth the relief requested. The appeal shall be heard and decided by the city manager within thirty calendar days following the filing of the notice of appeal, unless continued by the city manager for good cause. The city manager shall notify the appellant in writing of his/her decision within three business days of that decision.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.090 Severance.

~~A. —If any provision, section, paragraph, sentence or word of this chapter, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter, and the application of such to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect.~~

~~B. —Environmental Review. This code amendment is categorically exempt pursuant to Section 15308 (Class 8) of the California Environmental Quality Act. A notice of exemption has been prepared and certified, and is adopted.~~

~~(Ord. 1213 § 2 (Exh. 2 (part)), 2004)~~

Chapter 8.13 CONSTRUCTION AND DEMOLITION WASTE DISPOSAL

Sections:

8.13.010 Findings.

- A. Under California law as embodied in the California Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq.), the city of Sierra Madre is required to prepare, adopt, and implement source reduction and recycling plans to reach landfill diversion goals, and is required to make substantial reductions in the volume of waste materials going to landfills or face fines of up to ten thousand dollars per day.
- B. In order to meet these goals, it is necessary that the city promote the reduction of solid waste, and reduce the stream of solid waste going to landfills.
- C. Waste from construction, demolition, and renovation of buildings represents a significant portion of the volume of waste currently generated in the city of Sierra Madre, and much of this waste is particularly suitable for recycling and reuse.
- D. The city's commitment to the reduction of waste requires the establishment of programs for recycling and salvaging of construction and demolition waste.
- E. The adoption of Chapter 8.13 will further the public health, safety and general welfare relative to solid waste disposal.
- F. The adoption of Chapter 8.13 is consistent with the general plan's goals, objectives and policies.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.020 Definitions.

For the purposes of this chapter, words and phrases should be construed as follows, unless it is apparent from its context that a different meaning is intended:

"Applicant" or "C&D applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city.

"City-sponsored project" means a project constructed by the city or a project receiving fifty percent or more of its financing from the city.

"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 material" or "C&D material" means building materials and solid waste resulting from construction, remodeling, repair, cleanup or demolition operations that are not hazardous as defined in California Code of Regulations, Title 22, Section 66261.3, et seq. This term includes, but is not limited to, asphalt, concrete, Portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe and steel. The material may be commingled with rock, soil, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.

"Conversion rate" means the rate set forth in the standardized conversion rate table established pursuant to applicable CalGreen requirements for use in estimating the volume or weight of materials identified in the waste management plan.

"Compliance Report" means the documentation submitted by an applicant demonstrating compliance with the construction and demolition waste diversion requirements of Sections 4.408.1 and 5.408.1 of Title 24, Part 11 of the California Code of Regulations (CALGreen), including records sufficient to verify that at least sixty-five percent of nonhazardous construction and demolition waste was recycled and/or salvaged for reuse.

"Covered project" shall have the meaning set forth in Section 8.13.030.

"Deconstruction" means the careful dismantling of buildings and structures in order to salvage as much material as possible.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

"Disposal" means the final deposition of construction and demolition of inert materials at a landfill.

"Diversion requirement" means the diversion of at least sixty-five percent of the total nonhazardous construction and demolition material generated by a project via reuse, recycling, or deposition at an inert backfill site or inert disposal facility, consistent with the requirements of Sections 4.408.1 and 5.408.1 of Title 24, Part 11 of the California Code of Regulations (CALGreen), unless the applicant has been granted an exemption pursuant to Section 8.13.080.

"Divert" means to use material for any purpose other than disposal in a landfill or transformation facility.

"Franchisee" means a company that possesses a valid contract or agreement from the city of Sierra Madre to collect and transport solid waste from individuals or businesses for the purpose of recycling or disposal under the city of Sierra Madre's name.

"Inert backfill site" means any location other than an inert landfill or other disposal facility to which inert materials are taken for the purpose of filling an excavation, shoring, or other soils engineering operation.

"Inert disposal facility/inert waste landfill" means a disposal facility that accepts only inert waste such as soil and rock, fully cured asphalt paving, uncontaminated concrete (including fiberglass or steel reinforcing rods embedded in concrete), brick, glass, and ceramics, for land disposal.

"Inert solids/inert waste" means nonliquid solid resources including, but not limited to, soil and concrete, that do not contain hazardous waste or soluble pollutants at concentrations in excess of water quality objectives established by a regional water board pursuant to Division 7, Section 13000, et seq. of the California Water Code and does not contain significant quantities of decomposable solid resources.

"Mixed material recycling facility" means a processing facility that accepts loads of mixed construction and demolition debris for the purpose of recovering reusable and recyclable materials and disposing the nonrecyclable residual materials.

"Performance security" means a refundable deposit provided to the City in accordance with Section 8.13.050 to ensure compliance with project requirements and returned upon verification that all applicable conditions, including documentation and diversion standards, have been satisfied.

"Project valuation" means the total value of the structure proposed to replace an existing structure in a demolition project, as indicated on the building permit application or applications submitted to the city to obtain permits for the new construction.

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, or thermally destroying solid waste.

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

"Reuse" means the use, in the same or similar form as it was produced, or a material which might otherwise be discarded.

"Salvage" means the controlled removal of construction and demolition material from a permitted building or construction site for the purposes of recycling, reuse, or storage for later recycling or reuse.

"Separated for reuse" means materials, including commingled recyclables, that have been separated or kept separate from the solid waste stream for the purpose of additional sorting or processing those materials for reuse or recycling in order to return 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 secondary markets as determined by the city.

"Waste management plan" or "WMP" means a completed waste management plan, approved by the city for the purpose of compliance with this chapter, submitted by the applicant for any covered or noncovered project.

"Waste management plan compliance official" means the director of planning or his/her designee.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.030 Projects subject to waste management plan requirement.

- A. **Mandatory Compliance.** All projects within the city, including city-sponsored projects, that alter, reconstruct, or eliminate fifty percent or more of a building's floor area or monetary value, or that the city reasonably determines have a valuation of fifty-thousand dollars or more pursuant to Section 105.3 of the California Building Code or Section R105.3 of the California Residential Code, shall comply with the WMP requirements of Section 8.13.040. Failure to comply with any of the terms of this chapter shall be punishable as a misdemeanor pursuant to Chapter 1.12 of this code.
- B. **Voluntary Compliance.** Applicants for permits for construction, demolition, and renovation projects which the city reasonably determines will cost less than fifty thousand dollars to construct shall be encouraged to divert at least sixty-five percent of all project-related construction and demolition debris. Such applicants shall be required to make a good faith effort toward diversion.
- C. **Compliance as a Condition of Approval.** Compliance with the provisions of this chapter shall be a condition of approval on any building or demolition permit issued by the city and the building official shall provide the applicant written notice of that fact.
- D. **Projects Exempt from Waste Management Plan Requirement.** A waste management plan shall not be required for the following projects:
 - 1. Emergency demolition required to protect public health and safety;
 - 2. Work for which a building or demolition permit is not required;
 - 3. Work for which only a plumbing, only an electrical, or only a mechanical permit is required;
 - 4. Projects where no structural building modifications are required;
 - 5. Roofing projects that do not include tear-off of existing roof;
 - 6. Seismic tie-down projects;
 - 7. Projects where a franchised hauler has been selected for C&D waste disposal per city requirements.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.040 Submission of waste management plan.

- A. Applicants for building or demolition permits subject to mandatory compliance pursuant to Section 8.13.030(A) shall submit a waste management plan (“WMP”), unless the application certifies that the applicant has either employed the services of a contractor holding a valid permit in accordance with the contractor’s exclusion in Chapter 8.12 or selected a franchise hauler, in which the applicant shall be exempt from submitting a WMP. A WMP shall include all of the following:
 - 1. The estimated volume or weight of C&D material or debris, by material type, to be generated;
 - 2. The maximum volume or weight of such materials that can be feasibly be diverted via reuse or recycling;
 - 3. The vendor or facility that the C&D applicant proposes to use to collect or receive that material;
 - 4. The estimated volume or weight of C&D materials that will be sent to a disposal site; and
 - 5. The estimated volume or weight of inert materials to be sent to an inert disposal facility.
- B. Calculating Volume and Weight of Debris. In estimating the volume or weight of materials identified in the WMP, the C&D applicant shall use conversion rates approved by the city for this purpose or as provided in 8.13.060(B).
- C. For city-sponsored projects, the general contractor shall submit a WMP prior to issuance of the notice to proceed. D. No provision of this chapter shall prevent a licensed contractor having a permit for the demolition or reconstruction of a building, structure, pavement, of concrete installation from marketing any saleable items or construction and demolition waste salvaged from such demolition or reconstruction. No provision of this chapter shall prevent a licensed contractor from causing such waste or salvageable items or construction and demolition waste to be removed from the premises on which such waste or salvageable items are generated, pursuant to the provisions of the demolition or construction contract, provided that such collection, removal, and disposal activity shall only be by the licensed contractor having the contract for the demolition or construction work that generated such salvageable items or construction or demolition waste, or by regularly employed personnel carried on the licensed contractor's payroll records as an employee, utilizing bins or transportation equipment owned by the licensed contractor.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.050 Waste management plan fee and performance security.

- A. Fees and deposits. Applicants for a covered project shall pay a C&D waste management plan review fee for administrative processing and provide a refundable deposit to ensure compliance with diversion requirements.
- B. Fee and deposit amounts. The review fee shall be established by resolution of the city council. The required deposit shall be calculated as the lesser of three percent of the project valuation or ten thousand dollars.
- C. Maximum deposit for multiple demolitions. Notwithstanding subsection B, where a project involves the demolition of multiple structures or facilities on a single property, the total required deposit for all demolition activities shall not exceed ten thousand dollars, regardless of project valuation or the number of structures.
- D. Deposit refund. If the compliance official determines that a project complies with the applicable waste management plan requirements in accordance with Section 8.13.070, the security deposit shall be refunded. If the compliance official determines that the project is noncompliant, the security deposit may be reduced or forfeited consistent with Section 8.13.080.

8.13.060 Review of waste management plan.

- A. Approval. No building or demolition permit shall be issued for any project valued at more than fifty thousand dollars unless the applicant has identified the franchisee as his/her hauler or until the WMP compliance official has approved the WMP or an exemption from the WMP requirement. Approval shall not be required, however, where demolition is urgently required to protect public health or safety. The WMP compliance official shall only approve a WMP if he/she determines that the following conditions have been met:
1. The WMP provides all of the information required by Section 8.13.040(A) of this chapter;
 2. The WMP indicates that at least sixty-five percent of all C&D debris generated by the project will be diverted from disposal sites; and
 3. The facility to be employed by C&D applicant to collect or receive the material has obtained a permit from the California Integrated Waste Management Board for the collection of construction and demolition debris pursuant to applicable state statutes.
- In approving a WMP pursuant to this section, the waste management plan compliance official may impose reasonable conditions.
- B. Nonapproval. If the WMP compliance official determines that the WMP is incomplete or fails to indicate that at least sixty-five percent of all estimated C&D material or debris generated by the project will be reused or recycled, he/she shall either:
1. Deny the permit and provide the C&D applicant a statement of reasons;
 2. Return the WMP to the C&D applicant requesting additional information

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.070 Compliance with waste management plan.

- A. Documentation. Within thirty days after the completion of any project, the C&D applicant shall submit the WMP compliance report along with documentation to demonstrate that it has met the diversion requirement for the project. This documentation shall include all of the following:
1. Receipts from the vendor or facility which collected or received each material, showing the actual weight or volume of that material;
 2. A copy of the WMP for the project which contains the actual volumes or weights of each material diverted and not diverted from disposal sites;
 3. Any additional information the C&D applicant believes is relevant to determining its efforts to comply in good faith with this chapter.
- B. Weighing of Wastes. C&D applicants shall make reasonable efforts to ensure that all C&D debris diverted or not diverted from disposal sites is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D material or debris shall be weighed on scales which comply with all regulatory requirements for accuracy and maintenance. For C&D material or debris for which weighing is not practical due to small size or other considerations, the C&D applicant shall measure the volume of the waste and express that volume in terms of weight using the conversion rates approved by the city for this purpose.
- C. Determination of Compliance. The WMP compliance official shall review the information submitted under subsection A of this section and determine whether the C&D applicant has complied with the diversion requirement, as follows:

-
1. Full Compliance. If the WMP compliance official determines that the C&D applicant has fully complied with the diversion requirement, he/she shall release any inspection holds and approve the finalization of demolition and construction permits for the project.
 2. Good Faith Effort to Comply. If the WMP compliance official determines that the diversion requirement has not been achieved for a project, he/she shall determine whether the C&D applicant has made a good faith effort to comply with this chapter. In making this determination, the WMP compliance official shall consider the availability of markets for the C&D material or debris not diverted from disposal sites, the size of the project, and the documented efforts of the C&D applicant to divert C&D material or debris. If the WMP compliance official determines that the C&D applicant has made a good faith effort to comply with this chapter, he/she shall release any inspection holds and approve the finalization of demolition and construction permits for the project.
 3. Noncompliance. If the waste management plan compliance official determines that the C&D applicant has not made a good faith effort to comply with this chapter, or if the C&D applicant fails to submit the documentation required by subsection A of this section within the required time period, the applicant shall be subject to a civil penalty pursuant to Section 8.13.080. The waste management plan compliance official may collect such penalty from the C&D applicant or permittee and may also deny or withhold any related inspections for the project.
- D. Withholding Construction Permits for Noncompliance. The building official shall not issue a certificate of occupancy or a final inspection approval pursuant to the building code of the city for any project for which a C&D applicant is not in compliance with this chapter, unless the noncompliance has been resolved through collection of the applicable civil penalty.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.080 Civil penalties.

- A. Penalties. Pursuant to Chapter 1.12.010(B) of the Sierra Madre Municipal Code, the WMP compliance official is authorized to impose civil fines and penalties upon any permittee, applicant, or other responsible person who violates any provision of this chapter or fails to comply with any applicable law.
- B. Penalty amounts. Consistent with California Government Code Section 36901, civil fines, penalties, and forfeitures shall not exceed one thousand dollars per violation, per day.
- C. Deposit forfeiture. In the event where a C&D applicant fails to comply with Section 8.13.070, the WMP compliance official is authorized to assess a civil penalty. Any such penalty may be deducted from the required security deposit or may result in the partial or complete forfeiture of the security deposit. For each day that a violation continues, including each day on which required documentation is not submitted, may be treated as a separate violation subject to separate penalties, up to the maximum amount authorized by law.

8.13.090 Infeasibility exemption.

- A. Application. If a C&D applicant experiences unique circumstances that he/she believes make it infeasible to comply with the diversion requirement, the C&D applicant may apply for an exemption at the time that he/she submits the WMP required under Section 8.13.030. The C&D applicant shall indicate the maximum diversion rate he/she believes is feasible for each material and the specific circumstances that he/she believes make it infeasible to comply with the diversion requirement.
- B. Meeting with Waste Management Plan Compliance Official. The waste management plan compliance official shall review the information supplied by the C&D applicant and may meet with the C&D applicant to discuss

ways to meet the diversion requirement. Based on the information supplied by the C&D applicant, the waste management plan compliance official shall determine whether it is possible for the C&D applicant to meet the diversion requirement.

- C. Granting of Exemption. If the waste management plan compliance official determines that it is infeasible for the C&D applicant to meet the diversion requirement due to unique circumstances, he/she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP. All of the following findings must be made prior to the approval of an exception:
1. There are exceptional or extraordinary circumstances or conditions applicable to the project that do not apply generally to similar projects; and
 2. Granting the exception will not constitute a grant of special privilege inconsistent with limitations imposed on like projects.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)

8.13.100 Appeal.

An applicant may appeal a decision of the waste management plan compliance official to deny, approve, or conditionally approve a waste management plan, to determine compliance or noncompliance with a waste management plan, or to determine eligibility for an infeasibility exemption by filing a notice of appeal with the office of the city manager no later than six calendar days following the issuance of the waste management plan compliance official's decision. The notice of appeal shall be in a form prescribed by the waste management plan compliance official, shall contain a statement of the reasons why the appellant believes the waste management plan compliance official's decision does not comply with this chapter, and shall set forth the relief requested. The appeal shall be heard and decided by the city manager within thirty calendar days following the filing of the notice of appeal, unless continued by the city manager for good cause. The city manager shall notify the appellant in writing of his/her decision within three business days of that decision.

(Ord. 1213 § 2 (Exh. 2 (part)), 2004)