

ORDINANCE NO. 639

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING SECTION 15.44.050 DEPOSIT AND ADMINISTRATIVE FEE REQUIRED, AND SECTION 15.44.060 ON-SITE PRACTICES AND REPORTING, OF CHAPTER 15.44 RECYCLING AND SALVAGING OF CONSTRUCTION AND DEMOLITION DEBRIS, OF TITLE 15 BUILDINGS AND CONSTRUCTION OF THE FOSTER CITY MUNICIPAL CODE

CITY OF FOSTER CITY

WHEREAS, the City originally adopted the provisions of Chapter 15.44 in order to encourage the proper disposal of recyclable material from construction and demolition projects; and

WHEREAS, Chapter 15.44 defines the process for redeeming or forfeiting deposits for permitted projects; and

WHEREAS, explicit processes needed to be added for redeeming or forfeiting deposits for permits that are withdrawn or expire.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Title 15, Buildings and Construction, Chapter 15.44, Recycling and Salvaging of Construction and Demolition Debris, Section 15.44.050 "Deposit and Administrative Fee Required" is hereby amended by deleting section 15.44.050 and replacing it to read in its entirety as follows:

"15.44.050 Deposit and Administrative Fee Required.

A. As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post a cash deposit in the amount prescribed by the most current city council approved master fees and service charges schedule.

B. The deposit shall be returned, without interest, in total or pro rata, upon proof to the satisfaction of the community development director or designee, that no less than the required percentages under the approved waste management plan or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required are diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely if there is a failure to comply with the requirements of this chapter.

C. The deposit shall be returned, without interest, in total, upon proof to the satisfaction of the community development director or designee that an applicant withdrew a permit prior to the start of work.

D. As a condition precedent to the issuance of any building or demolition permit for a covered project, the applicant shall pay to the city a fee in the amount as set forth in the most current city council approved master fees and service charges schedule.”

Section 2. Amendment. Title 15, Buildings and Construction, Chapter 15.44, Recycling and Salvaging of Construction and Demolition Debris, Section 15.44.060 “On-Site Practices and Reporting” is hereby amended by deleting section 15.44.060 and replacing it to read in its entirety as follows:

“15.44.060 On-Site Practices And Reporting

A. To demonstrate compliance with the approved waste management plan, the applicant shall collect during the project and submit the following documentation to the building department upon completion of the project:

1. Weight tickets;
2. Inventory of reused items;
3. 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
4. Such other documentation as necessary to establish compliance with the approved waste management plan.

B. Within sixty days following the completion of the demolition phase of a covered project, and again within sixty days following the completion of the construction phase of a covered project, the applicant or applicant’s contractor shall submit documentation to the building division which demonstrates compliance with the requirements of this chapter.

C. The documentation shall consist of a final completed form describing diversion activities and showing actual tonnage data for recycled, diverted and disposed materials, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused or salvaged.

D. Any deposit posted shall be forfeited if the permittee does not furnish the required reports within sixty days following the final inspection or the issuance of any certificate of occupancy.

E. Any deposit posted shall be forfeited if the permittee fails to schedule and pass a final inspection of the covered project and/or otherwise allows the permit to expire per the time limits set forth in the California Building Code.

F. Forfeited deposits shall be turned over to the city’s fund designated to developing and expanding recycling and waste reduction, clean energy generation, energy conservation, and air quality improvement programs.

G. Failure to keep accurate written records shall constitute a violation of this chapter and shall result in forfeiture of the deposit in addition to all other available remedies.”

Unless otherwise identified and amended herein all remaining sections of Chapter 15.44 shall be unchanged.

Section 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 6. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 4th day of October, 2021, and passed and adopted on the 18th day of October, 2021, by the following vote:

AYES: Councilmembers Awasthi, Froomin, Hindi, Sullivan, and Mayor Gehani

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:
Sanjay Ravi Gehani
6015CCD8CE83493
SANJAY GEHANI, MAYOR

ATTEST:

DocuSigned by:
Priscilla Schaus
6121E59FA33B4AB
PRISCILLA SCHAUS, CITY CLERK

CERTIFICATE OF POSTING

I, Priscilla Schaus, hereby certify as follows:

That I am, and at all time herein mentioned, was the duly acting and qualified City Clerk/District Secretary of the **City of Foster City**, Foster City, San Mateo County, California.

I further certify to the proper posting of:

Ordinance No. 639, "An Ordinance of the City of Foster City Amending Sections 15.44.050 and 15.44.060 of Chapter 15.44 Recycling and Salvaging of Construction and Demolition Debris of the Foster City Municipal Code"

in the following three public places of the **City of Foster City**, Foster City, San Mateo County, California:

1. Recreation Center Lobby
650 Shell Boulevard
2. Council Chambers
620 Foster City Boulevard
3. Foster City Public Library
1000 E. Hillsdale Boulevard

Executed at the **City of Foster City**, Foster City, San Mateo County, California this 19th day of October, 2021.

DocuSigned by:

Priscilla Schaus

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Priscilla Schaus
City Clerk