

Chapter 14.75 MANDATORY CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING PROGRAM

~~Sections:~~

14.75.010 Definitions.

"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 eCity for the applicable permits to undertake any construction, demolition, or renovation project within the city, unless otherwise specifically exempted by law.

"Commingled waste" means a system in which all paper fibers, plastics, metals, and other containers are mixed in a collection truck, instead of being sorted by the depositor into separate commodities. (also known as "single-stream", "single-sort").

"Compliance official" means the chief building official or his/her designee.

"Construction" means the building of any structure or any portion thereof including any tenant improvements to an existing facility or structure.

"Construction and demolition debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building, or other structure.

"Conversion rate" means the rate set forth in the standardized conversion rate table approved by the eCity pursuant to this article for use in estimating the volume or weight of materials identified in a recycling plan.

"Covered project" shall have the meaning set forth in Section 14.75.020(A) of this chapter. means any construction, addition, or alteration where there is an increase in the building's conditioned area, volume, or size.

"Deconstruction" means the systematic removal of usage items from a structure.

"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.

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

"Diversion requirement" means the diversion of at least ~~fifty~~ sixty-five percent by weight of the total construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an infeasible exemption pursuant to Section 14.75.060 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the recycling plan compliance official for the project.

~~"Noncovered project" shall have the meaning set forth in Section 14.75.020(C) of this chapter.~~

"Project" means any activity that requires an application for a building or demolition permit or any similar permit from the eCity.

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

"Reuse" means further or repeated use of construction or demolition debris.

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

"Recycling plan" means a completed recycling plan form, approved by the city for the purpose of compliance with this article, submitted by the applicant for any covered or noncovered project.

(Ord. No. 564, 11-8-10)

~~14.75.020 Threshold for covered projects.~~

~~A. — Covered Projects. All construction and renovation projects within the city, the valuation of which are, or are projected to be, greater than or equal to fifty thousand dollars ("covered projects"), shall be required to divert at least fifty percent of all project construction and demolition debris in compliance with this chapter. The cost of the project shall be the valuation ascribed to the project by the building official. In addition, all demolition projects having a total footage of more than one thousand square feet shall be a covered project. Failure to comply with any of the terms of this chapter shall subject the project applicant to the full range of enforcement mechanisms set forth in Sections 14.75.050(C)(3) and 14.75.060 below.~~

~~B. — City Sponsored Projects. All city sponsored construction and renovation projects within the city, the costs of which are, or are projected to be, greater than or equal to fifty thousand dollars ("covered projects") shall be required to divert at least fifty percent of all project construction and demolition debris in compliance with this chapter. The cost of the project shall be the valuation attributed to the permit issued by the building official. In addition, all demolition projects having a total square footage of more than one thousand shall be a covered project.~~

~~These city sponsored covered projects shall submit a recycling plan to the compliance official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of this chapter with the exception of Section 14.75.050(C)(3).~~

~~C. — Non Covered Projects. Applicants for construction, demolition, and renovation projects within the city whose permit valuations are less than fifty thousand dollars ("non covered projects") shall be encouraged to divert at least fifty percent of all project related construction and demolition debris.~~

~~D. — Compliance as a Condition of Approval. Compliance with the provisions of this chapter shall be listed as a condition of approval on any building or demolition permit issued for a covered project.~~

(Ord. No. 564, 11-8-10)

14.75.020 Construction Waste Management Residential.

A. All residential covered projects within the City shall be required to recycle and/or salvage for reuse at least sixty-five (65) percent of the nonhazardous construction and demolition debris in compliance with this chapter and section 4.408.1 of the 2025 California Green Building Standards Code.

Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals. (See Section 4.410.2: 2019 CGBSC)

If commingled waste is identified in sorted, separated commodities, the applicant is subject to waste conversion to a single-stream collection method. Failure to comply with any of the terms of this chapter or section 4.408.1 of the 2025 California Green Building Standards Code, shall subject the project

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applicant to the full range of enforcement mechanisms set forth in Sections 14.75.050(C)(3) and 14.75.060 below.

- B. City-Sponsored Residential covered Projects. All city-sponsored residential construction and renovation projects within the City shall be required to recycle and/or salvage for reuse at least sixty-five (65) percent of the nonhazardous construction and demolition debris in compliance with this chapter. These city-sponsored projects shall submit a recycling plan to the compliance official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of this chapter and section 4.408.1 of the 2025 California Green Building Standards Code with the exception of Section 14.75.050(C)(3).

14.75.020.1 Construction Waste Management Non-Residential.

- C. All non-residential construction and renovation projects within the city shall be required to recycle and/or salvage for reuse at least sixty-five (65) percent of the nonhazardous construction and demolition debris in compliance with this chapter and section 5.408.1 of the 2025 California Green Building Standards Code.

Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals. (See section 5.410.1: 2019 CGBSC)

If commingled waste is identified in sorted, separated commodities, the applicant is subject to waste conversion to a single-stream collection method. Failure to comply with any of the terms of this chapter shall subject the project applicant to the full range of enforcement mechanisms set forth in Sections 14.75.050(C)(3) and 14.75.060 below.

- D. City-Sponsored Non-Residential covered Projects. All city-sponsored non-residential construction and renovation projects within the city shall be required to recycle and/or salvage for reuse at least sixty-five (65) percent of the nonhazardous construction and demolition debris in compliance with this chapter. These city-sponsored projects shall submit a recycling plan to the compliance official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of this chapter and section 5.408.1 of the 2025 California Green Building Standards Code with the exception of Section 14.75.050(C)(3).

14.75.030 Submission of C&D recycling plan.

- A. C&D Recycling Plan Forms. Applicants for building or demolition permits involving any covered project shall complete and submit a recycling plan on a recycling plan form approved by the eCity for this purpose as part of the application packet for the building or demolition permit. The completed recycling plan shall indicate all of the following:
1. The estimated volume or weight of project construction and demolition debris, by materials type, to be generated;
 2. The maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 3. The vendor or facility that the applicant proposes to use to collect or receive that material; and
 4. The estimated volume or weight of construction and demolition debris that will be landfilled.

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- B. Calculating Volume and Weight of Debris. In estimating the volume or weight of materials identified in the recycling plan, the applicant shall use the standardized conversion rates approved by the eCity for this purpose.
 - C. Deconstruction. In preparing the recycling plan, applicants for building or demolition permits involving the removal of all or part of an existing structure shall deconstruct, to the maximum extent feasible, and shall make the materials generated thereby available for salvage. (Ord. 488 § 1 (part), 2002)

(Ord. No. 564, 11-8-10)

14.75.040 Review of recycling plan.

- A. Approval. Notwithstanding any other provision of this code, no building or demolition permit shall be issued for any covered project unless and until the recycling plan compliance official has approved the recycling plan. Approval shall not be required, however, where an emergency demolition is required to protect the public health, welfare or safety as determined by the chief building official. The recycling plan compliance official shall only approve a recycling plan if he or she first determines that all of the following conditions have been met:
 - 1. The recycling plan provides all of the information set forth in Section 14.75.030(A) of this chapter; and
 - 2. The recycling plan indicates that at least fifty sixty-five percent by weight of all construction and demolition debris generated by the project will be diverted.

If the recycling plan compliance official determines that these conditions have been met, he or she shall mark the recycling plan "approved," return a copy of the recycling plan to the applicant, and notify the building divisiondepartment that the recycling plan has been approved.

- B. Nonapproval. If the recycling plan compliance official determines that the recycling plan is incomplete or fails to indicate that at least fifty sixty-five percent by weight of all construction and demolition debris generated by the project will be reused or recycled, he or she shall either:
 - 1. Return the recycling plan to the applicant marked "denied," including a statement of reasons, and so notify the building divisiondepartment; or
 - 2. Return the recycling plan to the applicant marked "further explanation required."

(Ord. No. 564, 11-8-10)

14.75.050 Compliance with recycling plan.

- A. Documentation. Prior to receiving a certificate of occupancy for the project, the applicant shall submit to the recycling plan compliance official documentation that the diversion requirement for the project has been met. The diversion requirement shall be that the applicant has diverted at least fifty sixty-five percent of the total construction and demolition debris generated by the project via reuse or recycling, unless the applicant has been granted an infeasible exemption pursuant to Section 14.75.060 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the recycling plan compliance official for the project. This documentation shall include all of the following:
 - 1. Completed C&D disposal report and Rr 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 previously approved recycling plan for the project adding the actual volume or weight of each material diverted and landfilled;

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3. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.
- B. **Weighing of Wastes.** Applicants shall make reasonable efforts to ensure that all construction and demolition debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the eCity for this purpose.
 - C. **Determination of Compliance.** The recycling plan compliance official shall review the information submitted under Section 14.75.050(A) and determine whether the applicant has complied with the diversion requirement, as follows:
 1. **Full Compliance.** If the recycling plan compliance official determines that the applicant has fully complied with the diversion requirements applicable to the project, he or she shall approve the recycling plan and inform the building division that a certificate of occupancy can be issued.
 2. **Substantial Compliance.** If the recycling plan compliance official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort and is in substantial compliance with this chapter.

In making this determination, the recycling plan compliance official shall consider the availability of markets for the construction and demolition debris landfilled, the size of the project, and/or the documented efforts of the applicant to divert construction and demolition debris. If the recycling plan compliance official determines that the applicant has made a good faith effort to comply with this chapter and is in substantial compliance, he or she shall approve the recycling plan and inform the building division that a certificate of occupancy can be issued.
 3. **Noncompliance.** If the recycling plan compliance official determines that the applicant is not in substantial compliance with this chapter, or if the applicant fails to submit the documentation required by Section 14.75.050(A), then the applicant shall pay a civil penalty as prescribed in Section 14.75.080 prior to the issuance of a certificate of occupancy.
 - D. **Falsification of Records.** If the applicant deliberately provides false or misleading data to the eCity in violation of this chapter, the applicant may be subject to penalties in addition to those specified in Section 14.75.080. In any civil enforcement action, administrative or judicial, the city shall be entitled to recover its attorneys' fees and costs from an applicant who is determined by a court of competent jurisdiction to have violated this chapter.
 - E. **Final Approval.** Prior to final approval by the building division all conditions of this chapter shall be met.
- (Ord. No. 564, 11-8-10)

14.75.060 Infeasible exemption.

- A. **Application.** If an applicant for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the recycling plan required under Section 14.75.030(A) of this chapter. The applicant shall indicate on the recycling plan the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.
- B. **Meeting with Recycling Plan Compliance Official.** The recycling plan compliance official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting

the diversion requirement. Based on the information supplied by the applicant and, if applicable, San Luis Obispo county integrated waste management authority staff or designee, the recycling plan compliance official shall determine whether it is possible for the applicant to meet the diversion requirement.

- C. Granting of Exemption. If the recycling plan compliance official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the recycling plan submitted by the applicant. The recycling plan compliance official shall return a copy of the recycling plan to the applicant marked "Approved for Infeasible Exemption" and shall notify the building division that the recycling plan has been approved.
- D. Denial of Exemption. If the recycling plan compliance official determines that it is possible for the applicant to meet the diversion requirement, he or she shall so inform the applicant in writing. The applicant shall have thirty days to resubmit a recycling plan form in full compliance with Section 14.75.030(A) of this chapter. If the applicant fails to resubmit the recycling plan, or if the resubmitted recycling plan does not comply with Section 14.75.030(A) of this chapter, the recycling plan compliance official shall deny the recycling plan in accordance with Section 14.75.040(B) of this chapter.

(Ord. No. 564, 11-8-10)

14.75.070 Appeals.

- A. Contents of Appeals. An appeal of the recycling plan compliance official decision may be made to the ~~public services~~Community Development ~~Director~~ in writing not longer than ten days after the compliance official's decision. The decision of the ~~public services~~Community Development ~~Director~~ shall be final. The appellant must specifically state in the notice of appeal:
 - 1. The name and address of the appellant and appellant's interest in the decision;
 - 2. The nature of the decision appealed from and/or the conditions appealed from;
 - 3. A clear, complete, but brief statement of the reasons why, in the opinion of the appellant, the decision or the conditions imposed were unjustified or inappropriate; and
 - 4. The specific facts of the matter in sufficient detail to notify the ~~e~~City. The appeal shall not be stated in generalities.
- B. Acceptance of Appeal. An appeal shall not be accepted by the ~~public services~~Community Development ~~Director~~ unless it is complete.

(Ord. No. 564, 11-8-10)

14.75.080 Civil penalties.

- A. Civil Penalty. If the recycling plan compliance official, or on upon appeal, the ~~public services~~Community Development ~~Director~~ determines that an applicant is in noncompliance as described in Section 14.75.050(C)(3), the applicant shall pay a civil penalty in the amount ~~calculated as two percent of the total project valuation of \$500 for residential projects, and \$1,000 for commercial projects.~~ Until the civil penalty is paid, the building division may withhold a certificate of occupancy. ~~In order to provide adequate education to applicants of this chapter and allow time for them to become familiar with the necessary requirements, enforcement of the civil penalty shall not occur until twelve months after the effective date of this chapter.~~
- B. Enforcement. The ~~e~~City ~~a~~Attorney is authorized to bring a civil action in any court of competent jurisdiction to recover such civil penalties for the ~~e~~City of Morro Bay.

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14.75.090 Severability.

If any subdivision, paragraph, sentence, clause, or phrase of the this chapter is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this chapter, or any other provisions of the eCity's rules and regulations. It is the city's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

(Ord. No. 564, 11-8-10)