COLORADO CIRCULAR COMMUNITIES

ORDINANCE NO. [Number]

AN ORDINANCE BY [Municipality name] TO ESTABLISH A MUNICIPAL CONTRACTED HAULER PROGRAM PROVIDING COLLECTION, TRANSPORTATION, AND DISPOSAL OF RESIDENTIAL MUNICIPAL SOLID WASTE WITHIN [Municipality name]

WHEREAS, Colorado Revised Statutes (C.R.S.) § 30-15-401 authorizes the [City/Town/County] to adopt and provide Residential Waste Collection Services and impose fees for such service; and

WHEREAS, C.R.S. § 30-20-100.5 declares that public officials must ensure the safe and cost-effective management and disposal of Municipal Solid Waste for their communities, citizens have expressed concerns about maximizing the use of waste reduction and recycling programs, and local Municipal Solid Waste management programs should strive for source reduction, recycling, composting, and similar waste management strategies; and

WHEREAS, [Municipality name] finds that provisions of municipal contracted hauler services can significantly reduce landfill waste, increase access to recycling and composting services, ensure equitable service access and cost, reduce trucks that drive through neighborhoods, increase savings on street maintenance, and ensure a high level of Municipal Solid Waste collection customer service; and

WHEREAS, [Municipality name] recognizes that establishing a municipal contract hauler program is necessary to protect the health, safety, and welfare of its residents; and

WHEREAS, [Municipality name] is committed to promoting sustainability, resource conservation, and the reduction of Municipal Solid Waste, and believes that a municipal contract hauler program is a critical component of achieving these goals; and

NOW, THEREFORE, [Municipality name] hereby adopts the following Municipal Contract Hauler Ordinance.

Section 1. Title and Purpose

This Ordinance shall be known as the **Municipal Contracted Hauler Ordinance**. Its purpose is to establish and define a Residential Waste Collection Services program for Municipal Solid Waste, Recyclable Materials, and Compostable Materials, and transition waste collection from individually contracted private haulers to a single [city/town/county]-wide contract for all single-family dwellings of [Local SFU definition, such as seven] or fewer dwelling units with the [city/town/county]. These services are intended to encourage recycling and composting, minimize wear and tear on public roadways, and protect the health, safety, and welfare of the public.

Section 2. Definitions

For the purposes of this Ordinance, the following definitions[1] shall apply:

- **"Bulky Item"** means a waste item that is too large or too voluminous to be placed in a residential waste container, and includes, but is not limited to, furniture, appliances, and small equipment, such as lawnmowers.
- **"Commercial Customer"** refers to services performed at or for any premises where a commercial, industrial, or institutional enterprise is carried on, including, but not limited to, retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches, and public facilities.
- **"Compostable Materials"** means organic material that has been separated from non-organic material at the point of generation for the purpose of such materials being composted or otherwise processed into soil amendment, fertilizer, mulch, sludge, biogas, fuel or electricity, provided that such materials have been designated as compostable under the Minimum Compostables List.
- **"Hauler"** means any person or entity that, for a fee or not, provides collection, transportation, or disposal services for Municipal Solid Waste.
- **"Hazardous Waste"** means waste defined as a Hazardous Waste by the Resource Conservation and Recovery Act, as amended, or any state or local laws or regulations with respect thereto, or a "toxic substance" as defined in the Toxic Substance Control Act, as amended, or any regulations with respect thereto, or any reportable quantity of

[1] Definitions align with terms as provided in 6 CCR 1007-2 Part 1.

a “hazardous substance” as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, or any regulations with respect hereto. The term Hazardous Waste also includes any waste whose storage, treatment, incineration or disposal requires a special license or permit from any federal, state, or local government entity, body, or agency.

- **“Homeowners’ Association”** means any covenant-controlled community containing two or more residential property owners, which includes a lawfully constituted and operational board or other similar entity that is empowered to enforce the community’s recorded covenants and which has the power to impose assessments for its services that, if unpaid, may be made a lien on the property.
- **“Minimum Compostables List”** refers to the minimum grouping of material required to be collected as part of composting collection service, as defined by [Municipality name].
- **“Minimum Recyclables List”** refers to the minimum grouping of material required to be collected as part of recycling collection service, as established by Colorado’s selected Producer Responsibility Organization under House Bill 22-1355.
- **“Multifamily Customer”** refers to services performed at and for residential premises containing eight or more dwelling units.
- **“Municipal Solid Waste”** means solid waste from household, community, commercial, and industrial sources that does not contain Hazardous Waste as defined in Section 25-15-101(9) of the Colorado Hazardous Waste Act unless otherwise regulated by the Department.
- **“Municipal Solid Waste, Recycling, and Composting Containers”** mean, for those persons subject to the Residential Waste Collection Services program, a wheeled cart suitable for mechanical lifting with a lid for containment and setting out Municipal Solid Waste, recycling, or composting for collection in sizes of approximately 32 gallons, 64 gallons, and/or 96 gallons, or such other standard size container as [Municipality name] deems appropriate. For all other residents, Municipal Solid Waste, Recycling, and Composting Containers mean the proper container provided or approved by the individual’s Hauler.
- **“Recyclable Materials”** means discarded materials from any residential source that are collected separately for the purpose of such materials being reused, remanufactured,

reclaimed, or repurposed into new or different products or packaging materials, provided that such materials have been designated as recyclable under the Minimum Recyclables List.

- **"Residential Customers"** refers to services performed at and for residential premises, which include single-family dwelling units of seven or fewer dwelling units.
- **"Residential Waste Collection Services"** means the collection and transportation of ashes, trash, waste, rubbish, garbage, or industrial waste products, or any other discarded materials from sources other than Commercial Customers or Multifamily Customers of eight or more units by the [city/town/county] or the [city/town/county]'s designated service provider.

Section 3. Municipal Solid Waste, Recyclable, and Compostable Handling and Collection Requirements

A. *(Optional) All Commercial Customers, Multifamily Customers, and Residential Customers opted out of Residential Waste Collection Services shall maintain an active Municipal Solid Waste, Recyclable Materials, and Compostable Materials contract, and proof of an active contract shall be provided to the [city/town/county] if requested.*

A. Residents of [Municipality name] shall ensure all Municipal Solid Waste, Recyclable Materials, and Compostable Materials shall be drained of liquid before being deposited for collection.

B. No person shall place, leave, deposit, or dispose of any Municipal Solid Waste, Recyclable Materials, and Compostable Materials on any street, alley, or other public place, or on any private property, unless the Municipal Solid Waste, Recyclable Materials, and Compostable Materials are wholly contained within a proper container for collection or proper arrangements have been made with the Hauler to pick up additional or Bulky Items. Any accumulation of Municipal Solid Waste, Recyclable Materials, and Compostable Materials in violation of this Ordinance is declared to be a nuisance and is prohibited.

C. Municipal Solid Waste, Recyclable Materials, and Compostable Materials containers shall be kept off the street, curb, sidewalk, and all other public ways, except on the scheduled day of collection, and then only for a maximum of [time limit, such as 12] hours before and [time limit, such as 12] hours after the scheduled time of collection.

D. Hazardous Waste, as defined by federal or state law, rule, or regulation, is not subject to collection and shall be properly disposed of at an authorized facility.

Section 4. Municipal Solid Waste, Recycling, and Composting Responsibility

Municipal Solid Waste, Recyclable Materials, and Compostable Materials shall be gathered, deposited, disposed of, and placed in the manner provided for in this Ordinance by the owner, tenant, lessee or occupant of the property, or the agent or contractor of any of the foregoing, and each of the foregoing persons may be held jointly and severally liable for any violation of this Ordinance. Recycling containers shall be used only for the collection of Recyclable Materials, and composting containers shall be used only for the collection of Compostable Materials.

Section 5. Residential Waste Collection Services

A. The [Municipality contact, such as City Manager] may negotiate, on behalf of the [city/town/county], one or more Residential Waste Collection Services contracts, duly procured and awarded in accordance with C.R.S. § 30-15-401(7.5), with any qualified person so long as the contract does not give the person the right to exclude other qualified Haulers from also providing residential Municipal Solid Waste, Recyclable Materials, and Compostable Materials collection services within the [city/town/county].
B. The [city/town/county]'s designated Residential Waste Collection Services provider or providers shall furnish Residential Waste Collection Services as provided in this Ordinance for all residents within the [city/town/county], unless exempted as stated in Section 6. Residential Properties Excluded from Service.
C. *(Optional) Municipal Solid Waste, Recycling, and Composting Containers shall be provided and owned by the [city/town/county], or the [city/town/county]'s designated residential waste collection service provider.*
D. All Municipal Solid Waste, Recyclable Materials, and Compostable Materials shall be placed in Municipal Solid Waste, Recycling, and Composting Containers by the owner, tenant, or occupant of each residence. Containers shall be placed in the street right-of-way or alley adjacent to each residence on a schedule as established by the [city/town/county]. If there is no adjacent alley, containers shall be placed on the street right-of-way in front of the residence.

E. Neither the [city/town/county], nor its designated Residential Waste Collection Services provider or providers, shall have any obligation to collect or transport any Municipal Solid Waste, Recyclable Materials, or Compostable Materials not in a proper container, or any containers not properly placed for collection, unless previously exempted by the [city/town/county].

F. It shall be unlawful for any person to set out or allow to be set out, deposited, or stored for collection, any Municipal Solid Waste, Recyclable Materials, or Compostable Materials other than that which has accumulated from the regular residential use of the premises upon which such Municipal Solid Waste, Recyclable Materials, or Compostable Materials are set out, deposited, or stored for collection.

Section 6. Residential Properties Excluded from Service

A. The following persons or entities are exempt from receiving Residential Waste Collection Services:

1. All Commercial Customers and Multifamily Customers containing eight or more units are excluded from the Residential Waste Collection Services program and waste services fees.
2. All residential properties that are part of a Homeowners' Association and have an active contract with a Municipal Solid Waste, Recyclable Materials, and Compostable Materials Hauler as of [date, such as that of signing of Ordinance] are excluded from the Residential Waste Collection Services program but are still subject to the program fee.
    i. *(Optional) Homeowners' Associations shall maintain an active Municipal Solid Waste, Recyclable Materials, and Compostable Materials contract, and proof of an active contract shall be provided to the [city/town/county] if requested.*
    ii. *(Optional) Homeowners' Associations that wish to join the [city/town/county] Residential Waste Collection Services program shall join pursuant to the [city/town/county] current waste hauling agreement.*

iii. *(Optional) Homeowners' Associations formed after or with contracts that expire before [date, such as that of signing of Ordinance] shall be subject to the Residential Waste Collection Services program and fees.*

3. A person who transports Municipal Solid Waste, Recyclable Materials, or Compostable Materials produced by such person.
4. A property owner or agent thereof who transports Municipal Solid Waste, Recyclable Materials, or Compostable Materials left by a tenant upon such owner's property, so long as such property owner does not provide Municipal Solid Waste collection service for compensation for tenants on a regular or continuing basis.
5. A charitable organization registered with the Colorado Secretary of State that collects, transports, and markets materials for resource recovery solely for the purpose of raising funds for a charitable or civic activity.

Section 7. Residential Waste and Recycling Hauling

Nothing in this Ordinance shall prohibit any person from contracting for or hauling one's own Municipal Solid Waste, Recyclable Materials, and Compostable Materials, providing it is collected and disposed of in conformity with all applicable [city/town/county] ordinances, rules, and regulations.

Section 8. Waste Services Fees

A. [City/Town/County Council/Board] shall establish the waste services fees to be imposed on all residential properties receiving Residential Waste Collection Services, regardless of whether the Residential Waste Collection Services are actually utilized by such residents.
B. If a residential property elects to not use the Residential Waste Collection Services provided by the [city/town/county], such resident shall pay to the [city/town/county] the minimum service fee.
C. The fees shall be billed either by the Residential Waste Collection Services provider directly or in conjunction with the charge for [city/town/county] utility services, but not by both.

D. The fees shall be utilized by the [Municipality name] to advance the purposes of this Ordinance, including administration and management of the Residential Waste Collection Services program.

E. Waste services fee types and the properties subject to those fees are set forth in the table below:

Fee Type	**Residential Property Subject to Fee**
Minimum Service (Opt-Out)	At the discretion of the [City/Town/County Council/Board], all residential properties that choose not to participate in the Residential Waste Collection Services, except those specifically excluded
Residential Waste Collection Services	All residential properties that participate in the Residential Waste Collection Services; fees dependent on container size chosen by residents

Section 9. Volume-based Rates

A. Rates for Residential Waste Collection Services for each residential property shall be based on the volume capacity of the Municipal Solid Waste containers provided by the Residential Waste Collection Services provider and placed for collection by each residential customer.

B. The amount to be charged shall include a base service rate for a container of not less than thirty-two (32) gallons, and that rate shall be used to determine the rates for all other service levels, which rates shall be increased on a pro rata basis by volume capacity of service levels offered, provided that the maximum sized container shall not exceed ninety-six (96) gallons.

    1. Said charges shall be based upon the container size, rather than the volume of Municipal Solid Waste deposited within such containers by the residential customer. The charge for additional containers of the same volume capacity shall be no less than the charge for the first such container.

C. *(Optional) All Haulers shall not charge residential customers for the provision of recycling services and shall coordinate with the Producer Responsibility Organization designated by the State of Colorado to obtain reimbursement for recycling service costs, pursuant to Colorado House Bill 22-1355.*

Section 10. Designation of Recyclable Materials

A. Materials designated for recycling collection shall follow the Minimum Recyclables Lists and additional materials list, as applicable, as established by Colorado's selected Producer Responsibility Organization under Colorado House Bill 22-1355. The Minimum Recyclables List shall be published on the [city/town/county] website.
B. Except for materials which customers have not properly prepared for recycling, the Residential Waste Collection Services provider may not dispose of Recyclable Materials set out by recycling customers by any means that result in the materials not being recycled or improperly disposed of.

Section 11. Designation of Compostable Materials

A. The [Municipality contact] shall, periodically, after consultation with representatives of the Residential Waste Collection Services provider and representatives of composting processing facilities in the region, determine which items shall be designated for composting collection and include them in the Minimum Compostables List. The Minimum Compostable List shall be published on the [city/town/county] website.
B. Except for materials which customers have not properly prepared for composting, the Residential Waste Collection Services provider may not dispose of Compostable Materials set out by composting customers by any means that result in the materials not being composted or improperly disposed of.

Section 12. Disposal of Municipal Solid Waste

A. The Residential Waste Collection Services provider shall dispose of all Municipal Solid Waste at a state or federally approved site or facility. The disposal shall meet all federal, state, county, or [Municipality name] laws, rules, regulations, and requirements.
B. No person shall operate any vehicle in a manner that causes or results in littering on any public way with Municipal Solid Waste.

Section 13. Enforcement and Penalties

(Insert existing reference to municipal penalties and enforcement process; below is provided as an example.)

Violations of this Ordinance shall be punishable in accordance with [section on penalties] of the Code of Ordinances.

Section 14. Severability

(Insert existing severability clause; below is provided as an example.)

A. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The [city/town/county council/board] hereby declares that it would have passed this Ordinance and each part or provision of this Ordinance irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

B. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 15. Effective Date

This Ordinance shall take effect on [date].