

Chapter 3 - Trash, Recyclables, and Compostables [excerpt]

6-3-14. - Business Owner Requirements for Recyclables and Compostables Collection.

- (a) All business owners must separate recyclable and compostable material from the trash and wherever business owners provide trash containers to employees or customers, they must also provide recyclables and compostables containers for employees and customers' use. Containers must be at least as conveniently located as trash and be of adequate size and number to prevent recyclables and compostables from being mixed with trash.
- (b) At least once per year, business owners must conduct training that instructs all employees how to use the containers established for collection of recyclables and compostables pursuant to this section. Business owners shall provide new employees with this information within 30 days of when the employee begins work and no later than the thirtieth day after a substantive change in the recycling or composting service offered at the business.
- (c) All business owners must provide Spanish and English or picture-only signs at each recyclables and compostables container, clearly indicating the appropriate materials to be placed inside the container in accordance with rules issued by the city manager.
- (d) Business owners or managers must maintain and make available upon request, to the city manager for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of recyclable and/or compostable materials for a period covering the most recent three years.

Ordinance No. [8045 \(2015\)](#)

6-3-15. - Special Events Requirements for Recyclables and Compostables Collection.

All special events and temporary events at a venue facility in the City of Boulder must provide recyclables and compostables collection in compliance with the city's Special Event Permit requirements.

Ordinance No. [8045 \(2015\)](#)

6-3-16. - Applicability.

- (a) The requirements of Section 6-3-13, "Property Owner Requirements for Recyclables and Compostables Collection" shall apply to all property owners within the City of Boulder beginning one year from the date this Ordinance is adopted by city council.
- (b) The requirements of Section 6-3-14, "Business Owner Requirements for Recyclables and Compostables Collection," shall apply to all businesses existing within the City of Boulder by the date established in a rule adopted by the city manager in accordance with Chapter 1-4, "Rulemaking," B.R.C. 1981.
- (c) The requirements of Section 6-3-15, "Special Events Requirements for Recyclables and Compostables Collection" shall apply to all special events and temporary events at venue facilities beginning on January 1, 2016.

Ordinance No. [8045 \(2015\)](#)

6-3-17. - Exemptions.

- (a) Applications for exemptions from complying with the requirements of Sections 6-3-13, "Property Owner Requirements for Recyclables and Compostables Collection," or 6-3-14, "Business Owner Requirements," must be made by the owner of the property or business. Any exemption shall be for a period of one year. Property or business owners may re-apply for one additional exemption at the expiration of the initial exemption period. City staff will review exemption applications and work with the applicants to bring the property owner or business owner into compliance. Applications must be received within sixty days of the start of the compliance period established in Section 6-3-17, "Applicability." The city manager may issue additional rules that govern the conditions under which an application for an exemption may be submitted and granted. In order to be granted an exemption, applicants must demonstrate they have

considered all reasonable options that would bring their business or property into compliance and must explain to the satisfaction of the city manager why none of these options are viable. The city manager shall determine whether an exemption will be granted. Applications for an exemption may require submission of an application processing fee.

- (b) The following persons are exempt from the provisions of this chapter:
- (1) The owner of a business that occupies less than fifty percent of the floor area of a residence.
 - (2) A business or property owner or manager that can demonstrate extreme economic hardship as defined by the city manager.
 - (3) Businesses that generate a de minimis volume of trash, recyclables or compostables as defined by the city manager.
 - (4) Any business owner or manager who can demonstrate that compliance would require the business to violate other municipal codes or regulations, or applicable state or federal regulations.
 - (5) A business or property owner that hauls its own trash, recyclables or compostables as certified by a self-hauling certification, the contents and format of which is defined by the city manager, may be granted an exemption from Section 6-3-3(b).
 - (6) A property or business owner that composts on-site in compliance with all applicable laws pertaining to Title 6, Chapter 3, Section 6-3-6, "Compost piles permitted if not a nuisance."
 - (7) Property owners that share collection service as certified by a shared service certification, the contents and format of which is defined by the city manager, may be granted an exemption from Section 6-3-3(b).
 - (8) A business or property owner that can demonstrate to the satisfaction of the city manager that the property is sufficiently space constrained so as to preclude compliance with the provisions of these sections.
 - (9) Innovation exemption - business or property owner may apply for an exemption if they are reusing or repurposing a significant portion of their waste stream.

Ordinance No. [8045 \(2015\)](#)

6-3-18. - Violations.

If the city manager finds a violation of any provision of this chapter, the manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a civil penalty according to the following schedule:

- (a) For the first violation of the provision, \$500;
- (b) For the second violation of the same provision, \$1,000;
- (c) For the third and subsequent violations of the same provision, \$2,000; and
- (d) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.
- (e) Violations of this chapter are also punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.

Ordinance No. [8045 \(2015\)](#)

Chapter 12 - Trash, Recyclables and Compostables Hauling

6-12-1. - Legislative Intent.

The city council finds that a significant reduction of the volume of solid waste and a corresponding increase in the volume of recyclables and compostables generated by citizens and businesses in the city would benefit the public welfare. The city council finds that it would do so by reducing the consumption of important, nonrenewable natural resources, as well as the amount of land required for disposal of solid waste in landfills, thereby helping to extend the longevity of these valuable nonrenewable natural resources and allowing land to be used for purposes other than the disposal of solid wastes. The intent of the city council in enacting this chapter is to decrease the amount of solid waste and increase waste reduction, recycling and composting practices by the citizens and businesses located in the city.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-2. - Definitions.

The definitions in Chapter 1-2, "Definitions," B.R.C. 1981, shall apply to this chapter, including, without limitation, the definitions of *compostables*, *hauler*, *recyclables*, *trash*, *trash container*, and *wildlife-resistant container*.

The following terms used in this chapter have the following meanings, unless the context clearly indicates otherwise.

Multifamily customer means the occupants, taken together, of a residential building or set of residential buildings that uses a collective, common system for the collection of trash generated by the occupants.

Periodic trash collection means the regular collection of trash on a schedule of not less than once every calendar month.

Recyclables processing center means a facility that sorts, packages, and otherwise prepares recyclable materials for sale.

Residential customer means every occupant of a residential building or set of residential buildings who receives periodic trash collection service, and who does not use a collective, common system for the collection of trash generated by the occupants.

Ordinance Nos. 7078 (2000); 7172 (2001); 7585 (2008)

6-12-3. - Exemptions.

The following persons are exempt from the provisions of this chapter:

- (a) Any person who transports only the trash which that person generates.
- (b) A property owner or agent thereof who transports trash, recyclables, or compostables left upon such owner's property, so long as such property owner does not provide such collection service for compensation for tenants on a regular or continuing basis.
- (c) Landscaping contractors that produce and transport trash, recyclables, or compostables in the course of their occupations where the production of trash, recyclables, or compostables is merely incidental to the particular landscaping work being performed by the contractors.
- (d) Any person who transports only liquid wastes (including, without limitation, sewage, sewage sludge, septic tank or cesspool pumpings), discarded or abandoned vehicles or parts thereof, discarded home or industrial appliances, materials used as fertilizers or for other productive purposes, household hazardous wastes, and hazardous materials as defined in the rules and regulations adopted pursuant to the United States Hazardous Materials Transportation Act, 49 USC § 5101, et seq.

Ordinance Nos. 7078 (2000); 7172 (2001); 7585 (2008)

6-12-4. - Hauler Requirements.

- (a) Each hauler shall submit an annual report to the city manager of the weight in tons of trash, recyclables, and compostables collected by commodity within the city. For loads that contain trash, recyclables, or compostables originating in part from within the city and in part from outside the city, the reported quantity may be estimated by the

hauler. Reports shall be submitted for each year by January 31 of the succeeding year using forms provided by the city manager. All information that is confidential pursuant to the provisions of the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., shall be treated as such.

- (b) Each hauler that provides residential trash collection shall provide for the collection of the following no less frequently than every other week:
 - (1) Unlimited recyclables;
 - (2) A minimum of thirty-two gallons of compostables;
 - (3) Three paper or compostable bags of leaves; and
 - (4) Three bundles of branches no larger than three feet by six feet, tied by twine or compostable materials.
- (c) Bags and bundles of compostables shall be placed adjacent to the compost container on collection day. The collection of compostables and recyclables shall occur either curbside or in alleys, whichever the hauler utilizes for trash collection.
- (d) Each hauler shall provide each residential customer with a base unit of service which shall include a maximum of thirty-two gallons of trash collection service and which shall also include the collection of recyclables and compostables consistent with Subsections (b) and (c) above.
 - (1) A hauler may charge any amount for the base unit of service.
 - (2) A hauler may charge, in addition, a flat periodic fee. This flat periodic fee may not exceed the charge for the base unit of service and shall be itemized separately on customer billing statements.
 - (3) No hauler may charge less than a prorated portion of the charge for the base unit of service for each additional volume of trash that may be collected from a customer during one or more collection periods.
 - (4) Haulers may charge for compostables collection in excess of that set forth in Subsection (b) above at a rate of no more than seventy-five percent of an equivalent volume of trash service.
- (e) Haulers providing trash collection service to multifamily customers shall also provide collection service of all their recyclables at no additional charge beyond that agreed for trash collection service. The city manager may require each hauler that is providing trash and recyclables collection to multifamily customers to also provide compostables collection.
- (f) Nothing in this section shall be construed as prohibiting any hauler from establishing rules regarding safety. Haulers may also set special pricing for large or unusual items.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-5. - Containers for Recycling or Composting Collection.

- (a) Haulers providing trash collection service to multifamily customers through centralized collection areas shall provide containers for recyclable materials at no additional charge. Containers shall be of a sufficient size to accommodate the regular accumulation of recyclables from that customer, but, at a minimum, such containers shall be of a volume equal to one-half of the volume of the trash collection service. If the city manager requires the collection of compostables, haulers shall provide containers for that service of a sufficient size to accommodate the regular accumulation of compostables from that customer.
- (b) Haulers providing trash collection service to residential customers are not required to provide recyclables or compostables containers. However, if the hauler requires a specific type of container, then the hauler shall deliver such container at no cost to the residential customer. This provision does not apply to any container required by the city pursuant to Section 6-3-12, "Bear-Resistant Containers," B.R.C. 1981.

Ordinance Nos. 7078 (2000); 7585 (2008); 7962 (2014)

6-12-6. - Disposition of Recyclable or Compostable Materials.

- (a) No person other than the person placing the recyclables or compostables for collection or that person's designated hauler shall take physical possession of any recyclables or compostables separated from trash, set out in the vicinity of the curb or alleys, and plainly marked for recyclables or compostables collection.
- (b) Each property owner, property manager, residential customer, commercial customer, or multifamily customer shall relinquish recyclable materials to a hauler only on the condition that the hauler deliver the recyclable materials only to a recyclables processing center as set forth in subparagraph (c) below.
- (c) It shall be presumed that each property owner, property manager, residential customer, commercial customer or multifamily customer has designated both single stream and source-separated, clean fiber recyclable materials as defined by city manager rules to be hauled to the recyclables processing center owned by Boulder County or its successor in interest ("Boulder County Recycling Center"). The City Manager may designate conditions under which the presumption in this subsection (c) shall not apply with respect to source-separated, clean fiber recyclable materials.
- (d) Haulers shall take all compostable materials collected to a compost facility that is in compliance with state composting regulations and can certify that the material is processed into a compost or biogas product. Alternatively, haulers may deliver compostable materials to a facility that repurposes the materials for beneficial uses, such as feeding animals, if the facility is in compliance with all federal, state and local laws. Haulers shall maintain receipts and records for a period of five years. Upon request by any customer or the city manager, haulers shall produce receipts from the facility utilized.

Ordinance Nos. 7078 (2000); 7585 (2008); [8045 \(2015\)](#); [8062 \(2015\)](#)

6-12-7. - Educational Materials.

At the city's sole discretion, including but not limited to times when there are pending changes to the city's waste reduction programs, the city will provide each hauler with educational brochures. These brochures shall be distributed by the haulers to all of their affected customers on or before a date specified by the city manager or, in the event of changes to the city's waste reduction programs, before the effective date of those changes. There shall be no charge to the city for the distribution of the educational brochures and the city will consult with the haulers before the brochures are printed.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-8. - Audits, Enforcement and Penalties.

- (a) Each hauler shall make its records available for audit by the city manager at a location within the Denver metropolitan area during regular business hours when requested by the city manager in order to allow the city to verify hauler compliance with the provisions of this chapter. Among other records, each hauler shall make available for review all customer invoices and similar documents reflecting actual pricing to customers. All information that is confidential pursuant to the provisions of the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., shall be treated as such.
- (b) No person shall violate or permit to be violated any of the requirements of this chapter.
- (c) In addition to any other remedies prescribed by this chapter or by this code or other ordinance of the city, the city attorney, acting on behalf of the city council, may maintain an action for an injunction to restrain or correct any violation of this chapter.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-9. - Authority to Issue Regulations.

The city manager is authorized to adopt rules and regulations necessary in order to interpret or implement the provisions of this chapter.

Ordinance No. 7078 (2000)