

ORDINANCE NO. 17

ORDINANCE FOR THE REGULATION OF SOLID WASTE HAULING BUSINESSES AND
PROVIDING FOR LICENSES FOR SUCH BUSINESSES:

Resolution 2024-019

WHEREAS, the Colorado Revised Statutes (C.R.S.) § 30-15-401(1)(a)(IV), authorize the Board of County Commissioners to adopt ordinances to regulate the activities and require the licensing of persons in the business of transporting solid waste materials (herein referred to as Solid Waste Hauler) within unincorporated Adams County; and,

WHEREAS, the Board of County Commissioners finds that regulating and licensing Solid Waste Haulers is necessary to protect the health, safety, and welfare of the residents of Adams County; and,

WHEREAS, the Board of County Commissioners wishes to increase access to curbside recycling services within unincorporated Adams County; and,

WHEREAS, C.R.S. § 30-15-402(1)(a)(IV), authorizes the imposition of fees to cover the cost of administration and enforcement for such licensing; and,

WHEREAS, C.R.S. § 30-15-402.5(1) authorizes the Board of County Commissioners to designate personnel authorized to enforce its duly adopted county ordinances by issuing citations or summonses and complaints to violators of its ordinances; and,

WHEREAS, the Board of County Commissioners has determined that it should designate the Director of the Community and Economic Development Department or the Director's designee as authorized enforcement personnel of the provisions of this Ordinance; and,

WHEREAS, Adams County desires to encourage cities and towns within the county to enact ordinances to accomplish the same goals in incorporated areas of the county and utilize this document as a model; and,

WHEREAS, cities and towns within the county may consent to have this ordinance apply within their boundaries, as provided in C.R.S. § 30-15-401(8).

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners, County of Adams, State of Colorado, that any Solid Waste Hauler operating in the unincorporated portions of Adams County be subject to the regulations herein:

SECTION 1. PURPOSE AND INTENT

The purpose of this Ordinance is:

To establish regulations for the licensing of Solid Waste Haulers operating in unincorporated Adams County; and

To establish reporting requirements to obtain information for the tracking and planning of waste diversion; and,

To prohibit the operation of unlicensed Solid Waste Haulers in unincorporated Adams County; and,

To establish procedures for enforcement to ensure compliance with this Ordinance and all other applicable rules, laws and ordinances pertaining to Solid Waste Haulers.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance, the following shall mean:

“Construction and demolition, or C&D, debris” shall mean the solid waste generated by construction, remodeling, repairs, or demolition activities and that may be landfilled or recycled. C&D materials include but are not limited to asphalt, concrete, dimensional lumber, fiberboard, plywood, ferrous metals, non-ferrous metals, cardboard, carpet, brick, window glass, wallboard, plastic, and cardboard.

“Food scraps” shall mean pre- and post-consumer food discards from households and the commercial/institutional sector including but not limited to vegetables, fruits, grains, dairy products, and meats that may be commingled.

“Landfill materials” shall mean all solid waste not reused, repurposed, reclaimed, or recycled and deposited at a solid waste disposal facility, excluding recyclable materials, food scraps and/or yard trimmings that have been source-separated for collection.

“Minimum Recyclables List” shall mean the minimum grouping of materials required to be collected as part of recycling collection service, maintained by Adams County.

“Legally permitted recycling facility” shall mean a facility that arranges for or causes the recovery of useful materials from one or more specified recyclable materials shall be deemed to include only a facility that meets any state or local standards that may be established to regulate or permit such recycling facilities.

“Recyclable materials” shall mean a type of material that is subject to reuse or recycling.

“Recycling collection service” shall mean the regular collection of recyclable materials from residential, commercial, or multi-family customers at least once per month.

“Regular landfill materials collection” shall mean the regular collection of landfill materials from residential, commercial, or multi-family customers at least once per month.

“Solid waste” means any abandoned or discarded object or semi-solid, liquid, or contained gaseous material generated by residential, commercial, institutional, or industrial activity.

Solid waste pursuant to this Ordinance does *not* mean:

- a. Any solid or dissolved material in domestic sewage;
- b. Hazardous wastes;
- c. Biosolids;
- d. Agricultural wastes;
- e. Solid or dissolved materials in irrigation return flows;
- f. Industrial discharges which are point sources subject to permits under the "Colorado Water Quality Control Act," Article 8 of Title 25, C.R.S.;
- g. Material handled at facilities licensed pursuant to provisions on radiation control in Article 11 of Title 25, C.R.S.;
- h. Exploration and production wastes, as defined in § 34-60-103(4.5), C.R.S., except as such wastes may be deposited at commercial solid waste facility; or
- i. Excluded scrap metal that is being recycled;

"Solid Waste Hauler" means any person who collects solid waste, recyclable materials, food scraps, yard trimming, from another person or persons within unincorporated Adams County and transports such solid waste to a solid waste disposal site and facility or to a legally permitted recycling facility.

"Solid Waste Hauler license" means a Solid Waste Hauler license issued pursuant to this Ordinance.

"Yard trimmings" shall mean grass, grass clippings, bushes, branches, leaves, twigs, shrubs, and clippings from bushes and shrubs. They may come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

"Source separation" shall mean to separate recyclable materials, food scraps, or yard trimmings from solid waste at the waste source.

"Solid waste disposal site and facility" means the location and facility at which the deposit and final treatment of solid wastes occur.

SECTION 3. APPLICABILITY

- A. This Ordinance shall apply to any Solid Waste Hauler operating in unincorporated Adams County, Colorado.
- B. No Solid Waste Hauler may operate within the unincorporated areas of Adams County, Colorado without first having obtained a Solid Waste Hauler license for such activity.
- C. The following persons or entities are not required to obtain a Solid Waste Hauler license:
 - a) A civic, community, benevolent or charitable nonprofit organization that collects, transports and markets materials for resource recovery solely for the purpose of raising funds for a civic, benevolent or charitable activity;
 - b) A person who transports waste or recyclable materials produced by such person;

- c) A property owner or agent thereof who transports waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide waste collection service for compensation for tenants on a regular or continuing basis;
- d) A landscaper or licensed construction contractor who produces and transports waste in the course of such occupation, where the waste produced is merely incidental to the particular demolition, construction, or landscape work being performed by such person.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

- A. The Director of the Community and Economic Development Department or the Director's designee shall administer, implement, and perform enforcement of this Ordinance and may inspect for violations of this Ordinance.
- B. Any powers granted or duties imposed upon the Department may be deleted in writing by the Director acting for and on behalf of the County.
- C. Enforcement:
 - a) Pursuant to C.R.S. § 30-15-402.5(1) the Board of County Commissioners has determined that it is in the best interest of public safety to designate the Director of the Community and Economic Development Department or the Director's designee to enforce this Ordinance by issuing citations or summonses and complaints for violators of the provisions of this Ordinance.

SECTION 5. LICENSE FEES

License Fees and associated administrative fees shall be adopted by the Board of County Commissioners on a yearly basis through means of a resolution.

Adams County shall issue a Solid Waste Hauler license upon complete license application submittal and verification, and upon full payment of an annual license fee. All license fees shall be paid in full and shall accompany the application for such license.

SECTION 6. OPERATING STANDARDS AND REGULATIONS

- A. Leakproof Vehicles
 - 1. Each vehicle operated in the performance of waste hauling services shall comply with the following:
 - a) All compaction and roll-off vehicles designed and used for hauling putrescible (liquid-containing) wastes, are leak proof at all times during operation.

- b) All compaction vehicles are regularly maintained to ensure that compaction blades move freely, hopper plugs and seals are in place, in good condition (not cracked), and are leak proof.
- c) Only vehicles designed to haul putrescible (liquid-containing) wastes are used for this purpose. Regular pick-ups and flatbed vehicles are only used to haul dry wastes.
- d) All open-bed or open-top vehicles are provided with a tarpaulin of sufficient size to cover all loads entirely, and to be used whenever waste is being transported to avoid littering or loss of load onto the highway.
- e) If vehicles have sideboards or a tailgate, these components are constructed of sturdy, permanent materials.

B. Vehicle and Container Labeling

- 1. Any vehicle or container transporting solid waste, other than by an individual who transports solid waste that he or she has generated, shall have a label containing the name and telephone number of the Solid Waste Hauler printed on both the right and left side of the vehicle, or on the street-facing side of the container, in letters or numbers that are reasonably legible.

C. Insurance Coverage

- 1. Solid Waste Haulers shall insure each vehicle operated in the performance of waste hauling services through a policy issued by an insurance carrier or insurer authorized to do business in the State of Colorado with the following coverage: in the sum of not less than \$150,000.00 for damages for, or on account of, any bodily injury to, or the death of, each person as the result of any one accident; in the sum of not less than \$150,000.00 for damages to the property of others as the result of any one accident; and in the total sum of not less than \$400,000.00 for, or on account of, any bodily injury to, or the death of, all persons and for damages to the property of others.
- 2. Certificate of Insurance shall be provided at the time a Solid Waste Hauler license application is submitted to Adams County and deemed complete.

D. Disposal Requirements

- 1. Solid Waste Haulers shall only deliver collected materials to solid waste disposal facilities or legally permitted recycling facilities that are approved by the State.

E. Offer and Notify Customers of Recycling Collection Service

1. All Solid Waste Haulers providing regular collection of landfill materials from residential, multi-family or commercial customers shall offer curbside recycling collection services, to include at a minimum the materials designated in the *Minimum Recyclables List*, on a regular and recurring schedule. Solid Waste Haulers must also provide annual notification of the recycling collection service offering to all customers that receive regular landfill materials collection.
2. Solid Waste Haulers providing only junk removal or large collection bin services to customers for short-term projects, such as roll-off dumpsters for construction and demolition activities, may, but are not required to, offer recycling services to these customers for this activity.
3. Nothing in this Ordinance, or in the regulations and standards established herein, shall be construed as allowing the County to regulate, interfere with, designate, manipulate, or in any way set the service rates charged by Solid Waste Haulers licensed by Adams County. The amount charged by licensed Solid Waste Haulers, on a volume or weight basis, shall be at the sole discretion of each individual Solid Waste Hauler.

D. Designation of 'Minimum Recyclable Materials'

The Director of the Community and Economic Development Department, or the Director's designee, shall maintain a *Minimum Recyclables List* of materials identified as recyclable by qualified recycling facilities. The *Minimum Recyclables List* will be updated on an annual basis and made available to licensed Solid Waste Haulers.

E. Recycling Collection Services

1. Recycling collection service shall include curbside collection of, at minimum, the materials identified on the *Minimum Recyclables List*.
2. Recycling service customers shall be provided clear instructions by the Solid Waste Hauler on how to properly separate and prepare recyclable materials at the time such service is initiated and annually, at minimum, thereafter.
3. Any Solid Waste Hauler that collects source-separated recyclable materials shall deliver all such materials to a legally permitted recycling facility and maintain weight tickets and/or receipts from the receiving facility. Recyclable materials that have been properly prepared by the customer shall not be delivered to a solid waste site and facility for landfill disposal.

4. All licensed Solid Waste Haulers that collect recyclable materials, food scraps, and/or yard trimmings operating within the county shall have the following duties and rights:
 - a) Except for materials that customers have not properly prepared for collection, Solid Waste Haulers shall not dispose of recyclable materials, set out by customers by any means that may result in the materials not being recycled or properly processed.
 - b) The Solid Waste Hauler shall establish such policies and procedures as are necessary to provide for the orderly collection of source-separated recyclable materials, including requirements regarding the preparation of materials for collection, the collection of recyclable materials, and requirements for source separation.
 - c) Solid Waste Haulers that elect to perform collection of recyclable materials through subcontractors or agents shall retain responsibility for compliance with all provisions of the Ordinance and regulation adopted herein.
 - d) All recyclable materials placed for collection shall be owned by, and be the responsibility of, the customer until the materials are collected by the Solid Waste Hauler, at which point the materials shall become the property and the responsibility of the Solid Waste Hauler.

F. Recycling Service Notification

1. Solid Waste Haulers shall provide written notification of available recycling collection services and rates to new customers at the time waste collection service is initiated and to existing customers on an annual basis.
2. Solid Waste Haulers shall provide the *Minimum Recyclables List* to all recycling service customers upon initial service and annually, thereafter.

G. Recordkeeping and Reporting

1. Solid Waste Haulers shall maintain records documenting compliance with all customer notification provisions of this Ordinance for two years following notice date, including the following:
 - a) Initial and annual notice of recycling collection services and dates
 - b) Initial and annual notice to recycling customers of the proper preparation of recyclable materials for collection and dates

- c) Customer notice of the current Minimum Recyclables List and dates
2. Solid Waste Haulers shall maintain all weight ticket receipts obtained from each solid waste disposal site/facility and each legally permitted recycling facility at which collected materials were delivered for at least two years from the date of deposit.
 3. Solid Waste Haulers shall submit reports for materials collected from the unincorporated areas of Adams County, and any municipality which consents to the application of this Ordinance within its jurisdiction, including but not limited to the following information:
 - a) Weight (in tons) of the following:
 - o Residential and Commercial Trash
 - o Appliances and Large Items
 - o Home Furnishings/Carpet/Mattresses
 - o C&D Materials
 - o Concrete, Brick, Asphalt, Cement
 - o Recyclable Materials (by commodity or aggregated into comingled containers)
 - o Food Scraps
 - o Yard Trimmings
 - o Collected Recyclable Materials delivered to a solid waste landfill due to contamination
 - o E-Waste & Household Hazardous Waste
 - o Other information deemed necessary as waste diversion reports are further developed
 - b) Name of deposit facility for each collected waste stream.
 - c) Reports shall be submitted by January 31, each year, through the Adams County ReTRAC Connect website, or other means as may be designated by Adams County.

SECTION 7. SEVERABILITY

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 8. VIOLATIONS, ENFORCEMENT AND PENALTIES

- A. Pursuant to C.R.S. § 30-15-402(1), as amended, any violation of this Ordinance shall be a civil infraction and shall be punishable by a fine of not more than one thousand dollars (\$1,000).
- B. Pursuant to C.R.S. § 30-15-402(1), as amended, the Adams County Community and Economic Development Department, is hereby authorized to assess penalties for violations of this Ordinance in accordance with the procedures of C.R.S. § 16-2-201, as amended, and as otherwise specified herein.
- C. Any person that has violated or continues to violate this Ordinance may be subject to criminal prosecution, including criminal penalties authorized pursuant to C.R.S. § 30-15-402(1), as amended. Each day a Solid Waste Hauler is in violation of this Ordinance shall constitute a separate violation.
- D. Graduated Fine Schedule
 - Pursuant to C.R.S. § 30-15-402, there shall be a graduated fine schedule for repeat offenses by the same individual, as follows:
 - i. First and Second offense: maximum fine of \$500 per day of offense
 - ii. Third offense: minimum fine of \$750 per day of offense
 - iii. Subsequent offenses: maximum fine of \$1,000 per day of offense
- E. Pursuant to C.R.S. § 30-15-402(1), and C.R.S. § 16-2-201, whenever the Director of Community and Economic Development, or the Director's designee, has probable cause to believe a violation of this Ordinance has occurred, the officer shall issue a penalty assessment notice to the alleged offender, which shall be in the form of a summons and complaint.
- F. Pursuant to C.R.S. § 16-2-201(2), as amended, the summons and complaint shall identify the alleged offender, state with specificity the sections of this Ordinance that were allegedly violated by the offender, state the applicable fine for the offense or each offense, and state that the alleged offender must pay the fine(s) by a date certain or appear to answer the charge(s) at a specified time and place. A duplicate copy of the summons and complaint shall be sent to the County Court Clerk of the 17th Judicial District.
- G. Pursuant to C.R.S. § 16-2-201(3), as amended, if the person given a summons and complaint chooses to acknowledge guilt, the person may pay the assessed fine by mail, in person, or online, within the time specified in the summons and complaint.
- H. If the person given the summons and complaint chooses not to acknowledge guilt and to contest the violation(s) alleged, the person shall appear in court at the date, time, and place specified in the summons and complaint.
- I. Surcharges

Pursuant to C.R.S. § 30-15-402(2)(a), there shall be a surcharge of ten dollars that shall be paid to the Clerk of the Court by the defendant. The moneys collected for that surcharge shall be placed in a fund established by the 17th Judicial District for victims and witness assistance and law enforcement pursuant to § 24-4.2-103, C.R.S.

J. Remedies Not Exclusive

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

K. Disposition of Fines

Unless otherwise provided for, all fines, penalties, and surcharges shall be paid into the treasury of Adams County pursuant to C.R.S. § 30-15-408. Court costs, if any, shall be paid directly to the Clerk of the Court by each defendant.

SECTION 9. EFFECTIVE DATE AND EXPIRATION

This Ordinance shall take effect thirty (30) days after the final publication of its adoption by the Board of County Commissioners.

Adopted this day of 9th day of January 2024

Upon motion duly made and seconded the foregoing Ordinance was adopted by the following vote:

Henry_____Aye
Tedesco_____Aye
Pinter_____Aye
O’Dorisio_____Aye
Baca_____Aye
Commissioners

CERTIFICATE OF ATTESTATION

STATE OF COLORADO)
County of Adams)

CERTIFICATE OF ATTESTATION

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

