

ORDINANCE NO. _____
INTRODUCED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, FOR THE REGULATION AND LICENSING OF HAULERS ENGAGED IN THE COLLECTION, TRANSPORTATION, AND/OR DISPOSAL OF SOLID WASTE WITHIN THE CITY OF BRIGHTON

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

WHEREAS, the City of Brighton (the "City") finds that a hauler licensing program may significantly reduce landfill waste, increase access to recycling services, and ensure a high level of solid waste collection customer service; and

WHEREAS, a hauler licensing program will set forth reporting requirements to obtain information for the tracking and management of solid waste and establish procedures for its enforcement to ensure compliance within the City; and

WHEREAS, a hauler licensing program is intended to ensure equitable access to and encourage participation in recycling services for residents, and protect the health, safety, and welfare of the public; and

WHEREAS, the City is committed to promoting sustainability, resource conservation, and the reduction of solid waste, and believes that a hauler licensing program is a critical component of achieving these goals.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. The following Article 5-12 shall be enacted and added to the municipal code as follows:

Article 5-12 Waste Hauler License

Sec. 5-12-10 Definitions.

Except as otherwise indicated by context, the following words, terms, and phrases shall have the following meanings for the purposes of this Article:

- 1) "Colorado's Producer Responsibility" refers to the Colorado House Bill 22-1355, also known as the Producer Responsibility Program for Statewide Recycling Act. This establishes a program requiring companies that sell packaging and paper products in Colorado to fund a statewide recycling system for those materials.
- 2) "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, Multi-family Customers, day care centers, office buildings, nursing homes, clubs, and churches.
- 3) "Construction and Demolition, or C&D, Debris" means the solid waste generated by construction, remodeling, repairs, or demolition activities and that may be landfilled or recycled. C&D debris includes, but is not limited to, asphalt, concrete, dimensional lumber, fiberboard, plywood, ferrous metals, non-ferrous metals, carpet, brick, window glass, wallboard, plastic, and cardboard.
- 4) "Hauler" means any person or entity that, for a fee or not, provides collection, transportation, or disposal services for Solid Waste, Recyclable Materials, or Organic Materials.
- 5) "Landfill Materials" means discarded materials from household, community, commercial, and industrial sources, excluding Recyclable Materials and Organic Materials, that are collected separately for the purpose of such materials being landfilled.
- 6) "Minimum Recyclables List" refers to the minimum grouping of material required to be collected as part of the recycling collection service, as maintained by the City.
- 7) "Multi-family Customer" refers to services performed at and for residential premises with dwellings with eight or more units. Multi-family Customers are considered Commercial Customers and are serviced differently from Residential Customers.
- 8) "Organic Materials" means organic material that has been separated from non-organic material at the point of generation, such as food scraps, yard trimmings, and biosolids, for the purpose of composting or processing such materials into soil amendment, fertilizer, mulch, sludge, biogas, fuel, or electricity.

- 9) "Recyclable Materials" means discarded materials from household, community, commercial, and industrial sources 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.
- 10) "Residential Customer" refers to services performed at and for residential premises, including single-family dwelling units with seven or fewer dwelling units.
- 11) "Solid Waste" means any abandoned or discarded object or semi-solid, liquid, or contained gaseous material generated from household, community, commercial, and industrial sources. Solid Waste shall exclude:
- a. Any solid or dissolved material in domestic sewage;
 - b. Hazardous wastes;
 - c. Biosolids, agricultural wastes;
 - d. Solid or dissolved materials in irrigation return flows;
 - e. Industrial discharges which are point sources subject to permits under the "Colorado Water Quality Control Act," Article 8 of Title 25, C.R.S.;
 - f. Material handled at facilities licensed pursuant to provisions on radiation control in Article 11 of Title 25, C.R.S.;
 - g. Exploration and production wastes, as defined in C.R.S. § 34-60-103(12) except as such wastes may be deposited at a commercial solid waste facility; or
 - h. Excluded scrap metal that is being recycled.
- 12) "Source Separation" means to separate Recyclable Materials or Organic Materials from Solid Waste at the source of waste generation.

Sec. 5-12-20 License required.

- 1) This Article shall apply to any Solid Waste, Recyclable Materials, or Organic Materials collection Hauler operating in the City. No person shall operate Solid Waste collection within the limits of the City without first securing a valid Hauler license for such operations.
- 2) The following persons or entities are exempt from obtaining a Hauler license:
 - a. A person who transports Solid Waste produced by such a person.

- b. A civic, community, benevolent, or charitable organization that collects, transports, and markets materials for resource recovery solely for the purpose of raising funds for a charitable, benevolent, or civic activity.
- c. A property owner or representative thereof who transports Solid Waste left by a tenant on such owner's property, provided that the property owner or representative does not regularly provide Solid Waste collection services for compensation.
- d. A demolition or construction contractor or landscaper who transports Solid Waste in the course of such work, where the Solid Waste produced is incidental to the particular demolitions or construction work being performed by such person.

Sec. 5-12-30 Insurance coverage.

- 1) At the time of application submittal, the Hauler shall furnish to the Finance Department proof that the Hauler has obtained a general comprehensive liability and automobile insurance policy covering claims for property damage or bodily injury, including death, which may arise from operations under or in connection with this license.
- 2) This coverage shall be in the sum of not less than one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) aggregate for damages for, or on account of, a bodily injury to, or the death of, each person as the result of any one accident; in the sum of not less than one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) aggregate for damages to the property of others as the result of any one accident; and in the total sum of not less than one million dollars (\$1,000,000.00) for each occurrence and two million dollars (\$2,000,000.00) aggregate for, or on account of, any bodily injury to, or the death of, all persons and for damages to the property of others.

Sec. 5-12-40 License fees.

A license fee may be required as set forth in the annual fee resolution, and if required, the fee shall be submitted with the license application.

Sec. 5-12-50 Vehicle and container requirements.

- 1) Haulers shall use a vehicle that is watertight, leak-proof, and equipped with a tight cover to prevent offensive odors or refuse from escaping from the vehicle; and that is compliant with all local, state, and federal safety and inspection regulations.

- 2) Haulers shall maintain proof that each vehicle required to be identified has been registered with the U.S. Department of Transportation.
- 3) No Hauler shall operate any vehicle in such a manner as to litter on any public way with Solid Waste.
- 4) A copy of the Hauler license shall be kept within each vehicle while operating in the City.
- 5) Unless a customer expressly declines it, Haulers shall provide containers for the collection of Landfill Materials and Recyclable Materials at no additional cost.

Sec. 5-12-60 Labeling requirements.

Any vehicle or container transporting Solid Waste by the Hauler shall have a label containing the company name and phone number of the Hauler printed on both the right and left side of the vehicle, or on the street-facing side of the containers, in letters or numbers that are reasonably legible.

Sec. 5-12-70 Recycling collection services requirements.

- 1) All Haulers providing regular collection services of Solid Waste to Residential and Multi-family Customers shall provide collection services of Recyclable Materials to all such customers.
- 2) 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.
- 3) All Haulers shall not charge Residential and Multi-family Customers for the provision of recycling services if Colorado's Producer Responsibility program, Colorado House Bill 22-1355, is active.
- 4) All licensed Haulers of Recyclable Materials operating within the City shall have the following duties and rights:
 - a. The Hauler shall provide new customers with notification of Recyclable Materials collection services at the time Solid Waste collection service is initiated.
 - b. Recyclable Materials collection services shall include curbside collection, at a minimum, of the materials designated in the Minimum

Recyclables List, on a regular and recurring schedule.

- c. The Hauler shall provide clear written instructions to Recyclable Materials collection service customers on how to properly Source Separate and prepare Recyclable Materials at the time such service is initiated and annually, at a minimum, thereafter.
- 5) Curbside Recyclable Materials collection services shall be provided to Residential and Multi-family Customers at least once every two weeks.
- 6) Haulers providing collection services to Commercial Customers shall provide services for the collection of Recyclable Materials from such customers who desire such service on such frequency as is necessary to prevent overflow of the recycling containers.
- 7) Haulers may meet the requirements for Recyclable Materials collection services by employing a subcontractor to perform such services.

Sec. 5-12-80 Designation of recyclable materials.

- 1) Sustainability Staff, or his or her designee, shall maintain a Minimum Recyclables List of materials identified as recyclable by qualified recycling facilities.
- 2) The Minimum Recyclables List shall include, at a minimum, all covered materials on the Minimum Recyclables List as defined by Colorado's selected Producer Responsibility Organization under Colorado House Bill 22-1355.
- 3) The Minimum Recyclables List will be updated on an annual basis and made available to licensed Haulers.
- 4) All Haulers shall be responsible for notifying their customers of the items designated for recycling.

Sec. 5-12-90 Disposal of solid waste, recyclable materials, and organic materials.

- 1) All Haulers that collect 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 for each year. Recyclable Materials that have been properly prepared by the customer shall not be delivered to a facility for landfill disposal. To ensure compliance with this section, the City may request documentation, including weight tickets, receipts, and records of material delivery, at any time during the

license term.

- 2) All Haulers that collect Solid Waste, Recyclable Materials, and/or Organic Materials operating within the City shall have the following duties and rights:
 - a. Except for materials which customers have not properly prepared for collection, Haulers shall not dispose of Source Separated Recyclable Materials or Organic Materials set out by customers by any means that result in the materials not being recycled or properly processed.
 - b. Haulers shall establish such policies and procedures as are necessary to provide for the orderly collection of Recyclable Materials and/or Organic Materials, including requirements regarding the preparation of materials for collection and requirements for Source Separation.
 - c. In the event that a Hauler elects to perform collection of Solid Waste through subcontractors or agents, such agency relationship shall not relieve the Hauler of responsibility for compliance with the provisions of this Article.
 - d. All materials placed for collections shall remain the property of and be the responsibility of the customer until the materials are collected by the Hauler. The material then shall become the property and the responsibility of the Hauler.

Sec. 5-12-100 Hours of operation.

No Hauler shall operate any vehicle for the purpose of collecting Solid Waste, including Recyclable Materials or Compostable Materials, on any street within the City between the hours of 9:00 p.m. and 6:00 a.m.

Sec. 5-12-110 Records and reports.

- 1) The City shall develop and administer a reporting system requiring Haulers to submit records evidencing compliance with the provisions of this Article.
- 2) All Haulers shall report to the City by January 31 of each year an annual report for the previous year, on forms to be provided by the City.
- 3) Each Hauler shall accurately and completely report to the City the following information:
 - a) Weight in tons collected of the following waste streams:
 - i. Landfill Materials
 - ii. Recyclable Materials
 - iii. Construction & Demolition Debris

- iv. Organic Materials
 - b) The number of service accounts by customers subscribed to Solid Waste collection, Recyclable Material collection, and Organic Material collection by the following customer sectors:
 - i. Residential Customers
 - ii. Multi-family Customers
 - iii. Commercial Customers
 - c) Education and outreach activities, such as flyers, brochures, events, and other resources and efforts made by the Hauler to educate customers on proper sorting.
 - d) Weight in tons delivered to facilities for each collected waste stream.
- 4) The Finance Director may inspect or audit any books, invoices, or accounts supporting and verifying the annual report information and any data collected and reported to the City in the reporting system.

Sec. 5-12-120 Responsibilities of licensee.

The licensee under this Article shall have the sole burden and responsibility of disposing of Solid Waste collected and shall hold the City harmless should any claim be made regarding the collection or disposal thereof.

Sec. 5-12-130 Report of changes.

The licensee shall report any relocation or change in ownership to the City within thirty (30) days of the change.

Sec. 5-12-140 Enforcement and penalties.

Violations of this Article shall be punishable in accordance with Article 1-24 of the City Municipal Code.

Section 2. All sections, subsections, and definitions of Chapter 5 not expressly amended or modified herein remain in full force and effect.

Section 3. This Hauler Licensing Program shall take effect on January 1, 2027, with all Haulers required to comply no later than one hundred and eighty (180) days after January 1, 2027.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance,

either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8, except as set forth herein.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS _____ DAY OF _____ 2026.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____ 2026.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

JAMES GALLAGHER, Assistant City Attorney