

RESOLUTION NO. 2024 –

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION REGARDING THE REGULATION OF SOLID WASTE DISPOSAL, COLLECTION AND TRANSPORTATION IN SUMMIT COUNTY BY THE SUMMIT COUNTY DISPOSAL DISTRICT AMENDING AND RESTATING DISPOSAL DISTRICT PLAN AND DISPOSAL DISTRICT REGULATIONS

WHEREAS, in August of 2005, the Board of County Commissioners of Summit County (“BOCC”) adopted Resolution No. 2005-64 to establish a zero waste goal through the promotion of reduced consumption, reuse of materials and increased recycling until the concept of a landfill is obsolete; and

WHEREAS, in February of 2017, the BOCC and the Towns of Breckenridge, Dillon and Frisco approved an intergovernmental agreement to establish the Summit County Resource Allocation Park as the exclusive solid waste disposal site of all Trash generated within the unincorporated areas of Summit County and within the incorporated areas of these towns, and the intent for a shared Licensed Hauler program; and

WHEREAS, in April of 2017, the BOCC approved Ordinance No. 2(A) for the collection, transportation and disposal of solid waste including annual Licensed Hauler requirements; and

WHEREAS, in 2018, the BOCC developed a Climate Action Plan that established goals for increasing the landfill diversion rate to 40% by 2035 and reducing greenhouse gas emissions from waste 50% by 2030 and 90% by 2050 from 2017 levels; and

WHEREAS, in 2021, pursuant to C.R.S. § 30-20-201 *et seq.* the BOCC adopted Resolution No. 2021-16 approving creation of the Summit County Disposal District (“Disposal District”), as well as Disposal District Regulations; and

WHEREAS, the BOCC finds that waste collection services and pricing structures that incentivize the separation of Recoverable Materials from the waste stream in Summit County are necessary to maximize the useful life of the Summit County Resource Allocation Park landfill and to reduce the consumption of non-renewable resources, and thereby protect the public health and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Summit County, Colorado, as follows:

Section 1 - Definitions.

a. *Base Unit Rate* – shall be defined as the residential rate established by a Licensed Hauler for the combined service level including the Small Trash Container and any Recycling Container and shall be the basis of the Licensed Hauler’s Volume- Based Service Rate for all other service levels.

b. *Bin* – shall be defined as any bin, can or similar vessel with or without a lid or closed top used by Commercial Customers for the collection of Solid Waste in employee spaces, lodging units, common or other areas prior to placement in Trash, Recyclables or Organic Containers for service by a Licensed Hauler.

c. *Commercial Customer* – shall be defined as any premises located in unincorporated Summit County where multiple residential units share a Trash Container, or a commercial, industrial or institutional enterprise is carried out including without limitation retail establishments, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches and public facilities regardless of container type.

d. *Common Area* – shall be defined as areas, rooms, spaces or elements inside or outside of a Multi - Family Property, business, industrial or institutional property that are made available to tenants, occupants or guests of the property.

e. *Container* – shall be defined as any rigid cart, dumpster or other Container with a lid or closed top that is provided by or to customers for Solid Waste for collection by Licensed Haulers. Containers shall be further defined as:

- i. “Small” if their volume capacity ranges from not less than 30 to not more than 39 gallons
- ii. “Medium” if their capacity ranges from not less than 60 to not more than 69 gallons – two Small Containers may provide the equivalent of a Medium Container
- iii. “Large” if their capacity ranges from not less than 90 to not more than 99 gallons – a mix of Small and Medium Containers may provide the equivalent of a Large Container
- iv. “Other” if they are a dumpster or other Container for the collection of Trash or Recyclables with more than 99-gallon capacity

f. *County Manager* – shall be defined as the County Manager of Summit County Government or the County Manager’s designee.

g. *Disposal District Sanitation Engineer (DDSE)* – shall be defined as the Director of the Summit County Resource Allocation Park or the Director’s designee.

h. *Drop-Off Center* – shall be defined as public drop sites owned and operated by the County for the free collection of Recyclables, Organics and other materials as established by the Summit County Disposal District Engineer. The drop-off centers are part of the Summit County Resource Allocation Park; the depositing of Solid Waste at such centers shall be treated as depositing such

Solid Waste at the SCRAP.

i. *Glass* – shall be defined as those glass materials established as acceptable Recyclables by the Disposal District Engineer but shall only be accepted as a discrete materials stream collected in a separate Container and not mixed with other Recyclables.

j. *Group Account* - shall be defined as any group of Residential Customers that have individual Trash Containers but receive Solid Waste collection under a subscription or contract that collectively serves multiple residences. If a Group Account changes to shared Trash Containers, it shall be considered a Commercial Customer.

k. *Hazardous Materials* – shall be as defined in the United States Hazardous Materials Transportation Act (49 USC Section 5101).

l. *Hotels and Lodges* – shall be defined as any Commercial Customer facility offering transient lodging accommodations to the general public with a central check in facility located within such facility.

m. *Landfill* – shall be defined as the Summit County Resource Allocation Park landfill located at 639 Landfill Road in Summit County and shall not be construed to reference other regional disposal facilities.

n. *Licensed Hauler* – shall be defined as any Solid Waste Hauler with a current operating license issued by Summit County.

o. *On-Call Collection Customer* – shall be defined as any Residential or Commercial Customer that receives trash Collection service on an irregular or unscheduled basis.

p. *Qualified Facility* – shall be defined as a facility that arranges for or causes the recovery of one (1) or more Recyclable or Organic materials including items for reuse, remanufacturing, reclaiming, recycling, mulching, composting or other action that allows the resource to be recovered, and is compliant with any local, state and federal standards that may be established to regulate or designate such facilities. Any permitted facility approved by the Disposal District Sanitation Engineer.

q. *Recoverable Material* – shall be defined as any material that can be reused, remanufactured, reclaimed, recycled, mulched, composted or other action that allows the resource to be conserved. Recoverable Materials shall include those Recyclables designated by the DDSE but may exclude any Recyclables with 15% or more contamination by volume.

r. *Recyclable* – shall be defined as Solid Waste from any residential, commercial or other source that is collected separately from Trash for the purpose of such material being re-processed into new or different products or packaging materials. Recyclables shall include those materials designated by the County including:

i. Commingled materials that Licensed Haulers shall collect from any customer at the customer's location – commingled materials may be collected in single- or multiple

streams but do not include Glass or other separated materials; and

- ii. Glass and other separated materials accepted for collection as a discrete materials stream in a separate Container from other Recyclables
- s. *Regulations* – shall be defined as the rules approved by the Summit County Board of County Commissioners and described herein.
- t. *Residential Customer* – shall be defined as an individual or individual residential property located in unincorporated Summit County that has a discrete Trash Container and collection provided under a discrete service subscription or contract for that property or for multiple residents if a Group Account.
- u. *Solid Waste* - shall be defined to include all putrescible and non- putrescible materials discarded from any source including Recyclables. Solid wastes shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumping's; sand, asphalt, concrete, gravel, rock, dirt or other segregated construction materials to be used or reused in any construction project; timber, wood chips or vegetative matter hauled from the property where it is cut; agricultural wastes, solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to licenses under the provisions of the Colorado Water Quality Control Act; materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.; waste material under the jurisdiction of and regulated by the Mined Land Reclamation Board except such non-hazardous wastes as may be deposited at a commercial solid waste facility; exploration and production waste as defined in Section 34-60- 103(4.5), C.R.S., except such non-hazardous wastes as may be deposited at a commercial solid waste facility; excluded scrap metal that is being recycled; shredded circuit boards that are being recycled; discarded or abandoned vehicles or parts thereof; residential appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act of 1987.
- v. *Solid Waste Hauler* – shall be defined as any person, licensed by the County, in the business of collecting, transporting to a landfill, disposal site, transfer station or other like facility, or disposing of Solid Waste, for a fee or other compensation within the unincorporated of Summit County, Colorado.
- w. *Summit County Resource Allocation Park (“SCRAP”)* – shall be defined as the Solid Waste disposal site and facility owned and operated by the Board of County Commissioners of Summit County, Colorado, located at 63 9 Landfill Road, Dillon, Colorado 80435. The County Solid Waste drop off facilities within Summit County are also part of the SCRAP and the depositing of Solid Waste at such drop off facilities shall be treated as depositing such Solid Waste at the SCRAP, which drop off facilities include, but are not limited to, the facilities located at 284 Coyne Valley Road in the Town of Breckenridge, and the drop off facility located at 221 Peak One Boulevard in the County Commons Planned Unit Development.
- x. *Trash* – shall be defined as any Solid Waste accepted at the Summit County Resource Allocation Park excepting Recoverable Materials.

y. *Valet Collection Customer* – shall be defined as those Residential Customers who receive regular, scheduled Trash collection service but require manual retrieval or replacement from an enclosed property, garage, home or other location.

z. *Volume-Based Service Rates* – shall be defined as residential collection rates based on the Trash Container size and intended to provide equitable service pricing and an incentive for landfill diversion. Residential Volume-Based Service Rates include the cost of both Trash and Recyclables collection in a single, bundled rate.

Section 2 – General Requirements and Exemptions

a. Recoverable Materials Management – It shall be unlawful for an individual, entity or Licensed Hauler to mix Recoverable Materials that have been collected separately from Trash with other Solid Waste or to dispose of Recoverable Materials by any means other than at a Qualified Facility.

b. Permanent Exemptions – The following individuals or entities are exempted from the provisions of these Regulations but may be required to provide documentation to the County to verify eligibility for this exemption:

- i. Residential or Commercial Customers who self-haul only the Trash that the customer generates, or who transports Solid Waste for another individual without compensation. Any self-hauled Trash shall be disposed of at the SCRAP landfill;
- ii. On-Call Collection Customer with Trash collection less than once per calendar month, however when Trash collection services increases to more than once in any calendar month, On Call Customers shall be subject to the recycling requirements described herein;
- iii. A civic, community, benevolent or charitable non-profit organization whose primary business is not the collection of Solid Waste that collects, hauls and markets Recoverable Materials solely for raising funds for a charitable, civic or benevolent activity;
- iv. A property owner or agent thereof who hauls Solid Waste left by a tenant upon such owner's property so long as such property owner does not provide collection service for compensation for tenants on a regular or continuing basis;
- v. Furniture or appliance vendors and their delivery agents who deliver furniture or appliances sold by such vendor and dispose of the purchaser's used furniture or appliances being replaced by such purchase;
- vi. A demolition, construction or landscaping contractor who produces and transports Solid Waste in the course of its performance of a project, where the Solid Waste produced is incidental to the particular demolition, construction or landscaping work being performed by such contractor;

- vii. Licensed Haulers engaged solely in the transport of discarded materials that are expressly excluded from the definition of Solid Waste;
- viii. An individual or entity that generates only Recyclables placed curbside for pick up by a Licensed Hauler is exempt from Volume-Based Service Rates and Trash collection requirements. and any Recyclables materials delivered to a Qualified Facility: and
- ix. Any exemptions as listed above shall be reviewed and approved by the DDSE

c. Containers – All Solid Waste Containers shall be of a sufficient capacity and collected at a frequency to allow Container lids to fully close, to prevent material overflow outside of the Container and to prevent any public health danger, fire danger or inhibition of the public right-of-way. Containers shall be maintained in a clean and sanitary condition. It shall be unlawful for any individual or entity to knowingly designate or represent any Container as having a volume different from said Container’s capacity and to place said Container for collection.

d. Wildlife-Resistance - Solid Waste may be placed for collection only when fully contained within a Container. No Solid Waste may be placed in a paper or plastic bag, or other that is not a Container. Any container placed for curbside Solid Waste pick-up shall be kept closed and secured with no gap between the Container and the lid until it has been emptied by a Licensed Hauler and moved back to its normal location. Receptacles may be placed for collection only after six o'clock (6:00) A.M. on the day of pick up. After pick-up, each Container must be moved back to its normal location by ten o'clock (10:00) P.M. of the same day.

e. Recyclable Ownership – All Recyclables placed for collection shall be owned by and be the responsibility of the Residential Customer or Commercial Customer until placed for collection, and then shall become the property and responsibility of the Licensed Hauler. Except for the purpose of inspection to ensure compliance with these Regulations, no person other than the customer or Licensed Hauler shall take possession of any Recyclables placed for collection.

f. Litter and Odor - Every owner or occupant of premises within unincorporated Summit County shall keep the area within a reasonable vicinity of their Solid Waste storage facility free of Solid Waste materials. Any person or entity transporting Solid Waste within unincorporated Summit County shall prevent any Solid Waste from falling or blowing from any Container or collection vehicle and shall use a watertight vehicle with a cover, tarp or other containment to prevent litter and offensive odors in accordance with C.R.S. § 42-4-1407.

g. Ashes – Any solid residue left from burning combustible materials shall be placed in a suitable container separate from other Solid Waste.

Section 3 – Hauler Licensing and Reporting Requirements.

a. Compliance with County Ordinance No. 2(A) regarding the collection, transportation and disposal of solid waste and licensing of Solid Waste Haulers Compliance with these Regulations shall be conditions of license renewal; non-compliance shall be considered grounds for license suspension or revocation in addition to any penalties established by these Regulations.

b. Bi-Annual Reporting – Each Licensed Hauler that operates within unincorporated Summit County shall provide bi-annual reports. The reporting periods shall be January 1st through June 30th and July 1st through December 31st of every year. Reports shall be submitted within thirty (30) days of the end of each reporting period. The first report under these Regulations shall be submitted for the period ending December 31st, 2024. Reporting shall be completed online using the reporting form provided by the Disposal District Sanitation Engineer and shall include the following:

i. Weight-based totals for Solid Waste quantities collected within the unincorporated areas of Summit County including regular collections, Valet Collection Customer and Infrequent Trash Customer quantities;

- 1) Residential Trash, Recyclables without Glass, Glass (if any), Organics (if any) and other Recoverable Materials
- 2) Commercial Trash, Recyclables without Glass, Glass (if any), Organics (if any) and other Recoverable Material

Acceptable estimations for generating weight-based totals include;

- 1) Residential may be defined as cart or rear-load collection and commercial may be defined as non-cart or front-load collection for the purposes of reporting only.
- 2) Volume-to-weight conversions based on factors established by the Colorado Department of Public Health & Environment or others approved by the Disposal District Sanitation Engineer or Summit County.
- 3) Licensed Hauler estimate of residential & commercial quantities in mixed loads
- 4) Licensed Hauler estimate of Summit County quantities in mixed loads including both Summit County & non-Summit County Solid Waste

ii. Customer account totals:

- 1) All Residential Customers, reported separately by service type, including regular customers, Valet Collection and Infrequent Trash Customers with Trash, Recyclables without Glass, Glass (if any) & Organic (if any) accounts.
- 2) Group accounts must include estimates of total residential units in each group.
- 3) All Commercial Customer s with Trash, Recyclables without glass, Glass

(if any) & Organic (if any) accounts

- 4) Residential may be defined as cart or rear-load collection and commercial may be defined as non-cart or front-load collection for the purposes of reporting only.

iii. Copy of required customer service notices

c. Baseline Reporting – Each Licensed Hauler that operations within unincorporated Summit County shall provide baseline reporting 30 days after the effective dates established in this resolution, and bi-annually in accordance with section 3.b. thereafter.

- i. Number of residential accounts with and without recycling service, separated out by type of service. Residential account reports must be broken out by On-Call Customers and Standard Customers.
- ii. Number of group accounts with and without recycling service, with estimates of total residential units in each group account.
- iii. Number of commercial accounts with and without recycling service, glass service and food scrap service.

d. Compliance Reporting – Licensed Haulers shall provide reporting on compliance measures at least 30 days after the implementation dates established in this resolution. Such report shall include the following:

- i. Percentage of residential accounts that are compliant with the requirements established in section 9(a) of this resolution.
- ii. Percentage of group accounts that are compliant with requirements established in section 9(a) of this resolution.
- iii. Percentage of commercial accounts that are compliant with requirements established in section 9(b) of this resolution.

e. Copy of License - Licensed Haulers shall maintain a copy of their Summit County Solid Waste Hauler License in each collection vehicle and at the company location listed on the license application.

f. Operational, Service or Rate Changes – Licensed Haulers shall provide written notification to the Disposal District Sanitation Engineer prior to the implementation of any change to customer account types, services provided to any account type, rates or Service Surcharges (if any) for its Residential Customers or Commercial Customers. Notification of any change in Qualified Facilities shall also be made.

g. Inspections – All Licensed Hauler vehicles are subject to inspection by the County to verify compliance with these Regulations.

h. Records – All Licensed Haulers shall maintain accurate and complete records in accordance with these Regulations for a period of three (3) years from the end of each calendar year.

i. Audits – All Licensed Haulers shall make its records available to the County for audit

during regular business hours for the verification of compliance with these Regulations.

j. Outstanding Fines – No licensure will be issued to any new hauler or renewed to any Licensed Hauler in the instance of outstanding fines associated with non-compliance with any Disposal District or Summit County ordinance or regulation.

Section 4 – Hauler Service Requirements.

a. Residential Collection Service – With the exception of On-Call Collection and Valet Collection Customers whose regular trash service is less frequent than every other week, Licensed Haulers shall provide, or verify that each Residential Customer has been provided, a Trash Container and Recyclables Container:

- i. In offering or arranging for service, Licensed Haulers shall provide each customer with a reasonable description of the full range of Trash and Recyclables Container options, Volume-Based Service Rates and Service Surcharges (if any) and any other costs for extra service.
- ii. Residential Customer collections may include separate Glass collection at the Licensed Hauler's discretion.
- iii. For each Residential Customers, the Licensed Haulers shall:
 - 1) Offer at least three (3) Trash Container sizes and service for Small, Medium and Large Trash Containers for customer selection – if a customer does not make a selection the Licensed Hauler shall provide a Medium Trash Container.
 - 2) Provide a Medium Recyclables Container unless the customer requests a Small or Large Container prior to Container delivery.
 - 3) Provide weekly Trash collection – unless customer requests every-other-week service which shall be assessed at a rate lower than weekly service for the same Container.
 - 4) Provide every-other-week Recyclables collection on the same day of the week as Trash collection – more frequent Recyclables collection may be provided at the Licensed Hauler's discretion.
- iv. Licensed Haulers may provide additional Large Trash Containers to any Residential Customer with Large Trash service at the customer's request provided that the Licensed Hauler assesses a fee that reflects the full Volume-Based ServiceRate for each Large Trash Container.
- v. Licensed Haulers may provide additional Recyclables Containers to any Residential Customer to prevent overflow and mixing Recyclables with Trash.

b. Residential Volume-Based Service Rates - Licensed Haulers shall assess Volume-Based

Service Rates for the total cost of residential Trash and Recyclables collection based on the Trash Container size. Licensed Haulers may establish any Base Unit Rate for the Small Trash service level and shall establish rates that incrementally increase the Base Unit Rate by no less than eighty percent (80%) for the Medium service level and by no less than one hundred and sixty percent (160%) for the Large service level.

- i. Volume-Based Service Rate example – if the Licensed Hauler Unit Base Rate is \$20/month for Trash and Recyclables collection, the Medium Trash Container service level shall be \$36/month and the Large Trash Container service level shall be \$52/month.
- ii. Volume-Based Service Rate example – if a customer opts to have two Large Trash Containers with the pricing used in the example above the monthly rate would be \$104 for Trash and Recyclables collection.
- iii. The rates assessed by Licensed Haulers for Residential Customer Trash and Recyclables collection shall be bundled as one price and shall not be reduced to exclude the cost of recycling service regardless of customer request or declination of service. Each customer bill shall include a statement identifying the requirement for Recyclables collection using wording provided by Summit County.
- iv. Volume-Based Service Rates shall be inclusive of regular Container and not be assessed at an additional cost.
- v. Customers may provide Trash and/or Recyclables Containers but each Container shall comply with the size restrictions required by these Regulations and any specifications established by the Licensed Hauler for safety and compatibility with collection equipment including cart tippers, gripper arms or other – Licensed Haulers are not required to reduce Volume-Based Service Rates for customers who provide their own Containers.
- vi. Service Surcharges – Surcharges assessed to cover fluctuating operating costs outside of the Licensed Hauler’s control such as fuel costs or market-based recycling fees shall not exceed twenty five percent (25%) of the Base Unit Rate, shall be applied to every Residential Customer service level option equally and each charge shall be clearly shown on each customer bill.
- vii. For Group Accounts:
 - 1) Licensed Haulers shall provide Trash collection service in a manner that results in a selection by each individual resident of a level of service from the range of Volume-Based Service Rate options and shall negotiate a written contract with the Group Account representative.
 - 2) For Group Accounts with an existing Licensed Hauler contract for Solid Waste collection services that precedes the effective date of these Regulations may be delayed up to twelve (12) months or the end of the

existing Licensed Hauler contract term whichever occurs first.

c. Commercial Collection Service – Licensed Haulers shall provide Commercial Customers and On-Call Collection Customers with Trash collection more than once in any calendar month, and Valet Collection Customers with Trash collection less frequent than every other week with a Recyclables Container or Containers such that Containers are not overloaded, and materials are not accumulated outside of Containers. The Recyclables Container volume capacity provided shall be at least one-half of the Trash Container volume capacity based on the size of all Trash Containers and collection frequency in place on the effective date of these Regulations.

i. Recyclables Container capacity examples:

- 1) Valet Collection Customer – if customer has 96- gallon Trash Container collected weekly, the Licensed Hauler shall provide at least the equivalent of a 96-gallon Recyclables Container collected every other week.
- 2) Commercial Customer example – if entity has a 6-cubic yard Trash Container collected twice/week, the Licensed Hauler shall provide at least the equivalent of a 6-cubic yard Recyclables Container collected once a week.
- 3) Commercial Trash compactor example - the Recyclables Container capacity shall be at a minimum equal to the volume of the Trash compactor charge box or 8 cubic yards collected at the same equivalency of the trash compactor, whichever is smaller.

ii. Rates assessed by Licensed Haulers for Trash and Recyclables collection for Valet Collection Customers and Commercial Customers may be itemized separately on customer bills but shall not be reduced to exclude the cost of recycling service regardless of customer request or declination of service - each customer bill shall include a statement identifying the requirement for Recyclables collection using wording provided by Summit County.

iii. Glass Collection Service – Licensed Haulers shall provide and service a Container for Glass and keep Glass materials separate from other Recyclables upon the request of any Commercial Customer

d. Equal Collection Priority – Licensed Haulers shall give the hauling of Recyclables and Organics (if any) to all customers the same priority as is given to the hauling of Trash.

e. Trash and Recyclables Container Labelling – Licenses Haulers shall ensure that:

- i. All Containers provided by Licensed Haulers are labelled with the current Licensed Hauler name and contact information - any other information shall be removed or covered.
- ii. Recyclable Containers regardless of whether provided by the Licensed Hauler or customer shall include conspicuous and durable signage provided by Licensed Haulers which describes acceptable and unacceptable Recyclables.

- iii. Any outdated information shall be removed or covered.
- iv. All labels shall be weather-resistant and conspicuously placed.
- f. Wildlife-Resistant Trash Containers – Upon a request from any customer Licensed Haulers shall provide wildlife-resistant Containers in all three sizes referenced in section 1.e. of these Regulations, locking device or similar mechanism. Nothing in these Regulations prevents the Licensed Hauler from assessing additional fees for wildlife-resistant Trash Container rental or service provided such costs are itemized on each customer bill.
- g. Recyclable Containers – Recyclable Containers provided for any customer by Licensed Haulers shall be clearly distinguishable from Trash Containers. Recyclable Containers shall be located proximal to and as convenient as Trash Containers.
- h. Recyclables Contamination – Licensed Haulers shall dispose of Recyclables only at a Qualified Facility unless the Recyclables are contaminated with at least fifteen percent by volume (15%) non-Recyclables. Licensed Haulers may refuse to service any Recyclables Container with fifteen percent (15%) or more contamination by volume and shall not be required to credit the customer for such refused service or may elect to service same Recyclables Container as a Trash Container and bill the customer accordingly. Any Container so managed shall be prominently affixed with a tag provided by a Licensed Hauler and approved by the County as contaminated at the time of service.
- i. Trash Overloading – Licensed Haulers shall not service any overloaded Trash Container that does not fully close or allows trash outside of the Container unless the Licensed Hauler accounts for and bills the customer for all Trash located outside the Container at a rate that is at least equal to the overloaded Container; any Container so managed shall be prominently affixed with a tag provided by a Licensed Hauler approved the County identifying it as overloaded at the time of service.
- j. Vehicle Overloading – Licensed Haulers shall comply with State of Colorado vehicle weight limitations pursuant to C.R.S. Sections 42-4-507 and 42-4-508.
- k. Customer Education – Licensed Haulers shall notify all Residential and Commercial Customers of the provisions and guidelines related to these Regulations. All notification and guidelines shall be distributed by electronic mail or hard copy delivery to the customer account unless otherwise noted below:
 - i. All customers shall receive a written service notification of Container options including specifications of customer-provided Containers, residential and commercial collection rates, Service Surcharges (if any) and any other costs for extra services upon initial provision of service, within thirty (30) days prior to any rate change and annually by December 31st of each year; and Licensed Haulers shall maintain a website that includes current residential and commercial collection options, rates and list of Recyclables accepted at the SCRAP recycling facility; and

- ii. Licensed Haulers shall deliver to customers up to three (3) communications per year generated by a Licensed Hauler and approved by the County. These may include:
 - 1) Guidelines for the safe and effective separation of Recoverable Materials that is developed jointly with Licensed Haulers; and
 - 2) Notices and guidelines for Group Accounts may be sent to the Group Account representatives provided that such notice identifies the representatives' obligation to notify all individual customers of the service of the provision of Recyclables collection service.

- l. Additional Hauler Regulations – Nothing in these Regulations shall be construed as prohibiting Licensed Haulers from also establishing rules regarding the safe maximum weight of Containers or other features necessary to protect the safety of customers, employees or others.

- m. Other Hauler Charges - Nothing in these Regulations shall be construed as prohibiting any Licensed Hauler from assessing separate charges extra services including overloaded Trash Containers, unscheduled Trash collections, wildlife-resistant Trash Containers, contaminated Recyclables, collecting Organics or bulky items.

- n. Subcontractors or Agents – If a Licensed Hauler elects to perform collection of Solid Waste including and Recoverable Materials through subcontractors or agents, such relationship shall not relieve said hauler of the responsibility for compliance with these Regulations. Any subcontractor or agent shall also be a Licensed Hauler.

- o. Material Delivery to SCRAP – Licensed Haulers shall deliver all Trash collected in unincorporated Summit County to SCRAP with exceptions established by the County for maintaining an environmentally sound method of Solid Waste management under any extenuating circumstances. It shall be unlawful to deposit Trash at any facility that is not appropriately certified, permitted or licensed. All Recoverable Materials shall be delivered to a Qualified Facility.

Section 5 – Residential Customer and Commercial Customer Requirements.

- a. Responsibility for Solid Waste – The owner of real property and any other person who causes the accumulation of Solid Waste at the owner's property are both individually responsible for any Solid Waste placed, stored or kept at such property in violation of this Regulation. Each owner of a real property or occupant thereof shall be responsible for:
 - i. Preventing the accumulation of solid waste, whether by retaining the services of a licensed hauler or by self-hauling; and
 - ii. At least one (1) trash container and one (1) recyclables container for each individual residence or commercial enterprise unless said parties share collection services. Generators located adjacent to one another or share a trash enclosure may share collection services.

- b. Commercial Customer Bin Requirements – Commercial Customers shall provide Bins in accordance with the following requirements for the collection of Recyclables to employees,

occupants, tenants, customers and the general public wherever Trash Bins are located in Common Areas:

- i. Bins for the collection of commingled Recyclables shall be located proximal to Trash Bins; and
 - ii. Bins for the collection of Glass are optional except for Commercial Customers with a current liquor license issued by Summit County in which case a Glass Bin shall be provided proximal to every Trash and commingled Recyclables Bin – glass shall be kept separate from other Recyclables; and
 - iii. Commingled Recyclables and Glass Bins shall be sized and serviced with a frequency that prevents Recycling and Glass from being mixed with Trash; and
 - iv. Each Bin shall include a label identifying acceptable and unacceptable materials provided by the Licensed Hauler and approved by the County and affixed by the Commercial Customer
 - v. Upon request of a commercial customer, a licensee shall provide separate containers for glass and/or organics and shall have discretion to establish separate rates for such services.
- c. Trash Container Requirement – Each Residential Customer and Commercial Customer shall ensure at least one (1) Trash Container for each individual resident or commercial enterprise. Trash Container placement for collection and/or provision and use of a lock or other mechanism shall comply with all applicable regulations.
- d. Hotel and Motel Bin Requirements – Hotels and Motels shall provide Bins for the Collection of commingled Recyclables without Glass in each individual unit made available for overnight lodging. Bins for Glass are optional.
- e. Commercial Customer General Requirements – Commercial Customers shall ensure that their Trash Containers do not contain Recyclable or Glass materials. Without limitation of this requirement, Commercial Customers shall ensure that:
- i. Housekeeping and janitorial contracts established by Commercial Customers shall specify the requirement for preventing Recyclables and Glass from being mixed with Trash; and
 - ii. Commercial Customers shall provide employee, occupant, tenant, housekeeping and janitorial training with materials provided by the County at a frequency needed to effectively prevent Recyclables and Glass from being mixed with Trash but no less than annually; training shall also be provided within thirty (30) days of occupancy or start date for any new employee, occupant, tenant, housekeeping or janitorial staff.
 - iii. Commercial Customers shall maintain written records of Solid Waste collection services and training activities.
 - iv. Licensed Haulers reserve the right to discontinue service or implement fee penalties on

commercial customers after multiple contamination offences; in the form of Recyclables or Glass in garbage or garbage in Recyclables or Glass collection.

f. Customer Recycling Waivers – A waiver from the recycling requirements of these Regulations may be granted upon receipt of a written request and supporting documentation from an individual, entity or Licensed Hauler and approval by the County. Waivers may be either short-term for up to twelve (12) months or long term for a maximum period of three (3) years. Waivers may temporarily exempt or modify recycling requirements. The County may issue waivers for Residential Customers, Multi-Family Properties or Commercial Customers:

- i. To an individual Residential Customer or the household that is provided with collection service based on economic hardship when the individual or household currently receives or is eligible to receive benefits from the Colorado Supplemental Nutritional Assistance Program administered by the Colorado Department of Human Services, as such program may be amended from time to time.
- ii. To Commercial Customers, including Multi-Family Properties:
 - 1) Whose premises have extreme space constraints; and
 - 2) Whose available Recyclable Container space is not safely serviceable, meaning that it is significantly less safe to service than the customer's Trash Container; or
 - 3) Who would violate another County regulation, or state or federal regulation, if required to separate Recyclables or Glass for collection.
- iii. To Commercial Customers, including Multifamily Properties, for Common Area recycling where reasonable quantities of Recyclables or Glass is not generated, meaning that less than one Large Recyclables Container is collected once per week for either material.
- iv. To Multi-Family Properties that include more than 70 percent Short-Term Rental units on average over the calendar year, which may be allowed a reduced Recyclables Container volume capacity equal to 25 percent of Trash container capacity.
- v. Any waiver request as defined above shall be reviewed and approved by the DDSE.

g. Financial Assistance Program – The County may develop and implement a financial assistance program to assist Residential and Commercial Customers. The program is intended to provide no more in monetary assistance than is necessary to account for the increase in the cost of collection service or related expenses that are the result of one or more requirements of these Regulations.

Section 6 – Violation

Violations of these regulations shall be unlawful and enforced in accordance with Part 5, Article

1, Title 25, C.R.S., as well as all other applicable provisions of Colorado law.

Section 7 - Compliance Dates.

a. Residential Customers: Licensed Haulers shall complete delivery of at least ninety percent (90%) of Trash Containers and Recyclables Containers to the Residential Customers of each Licensed Hauler and initiation of volume-based collection service by August 31st, 2025.

i. Group Accounts with a Licensed Hauler contract for Solid Waste collection services that precedes the effective date of this ordinance. Residents shall receive Trash Containers and Recyclables Containers and be provided with volume-based collection service within two (2) business days of the contract expiration date of these Regulations.

b. Commercial Customers: Licensed Hauler shall complete delivery of at least fifty percent (50%) of Recyclables Containers and initiation of Recyclables collection services to the Commercial Customers of each Licensed Hauler by October 1st, 2026. Delivery of one hundred (100%) of Recyclables Containers to the Commercial Customers of each Licensed Hauler by October 1st, 2027.

Section 8 - Effective Date

These Regulations shall be effective upon adoption.

INTRODUCED, FIRST READ, AND ORDERED PUBLISHED IN FULL AND SET FOR A PUBLIC HEARING ON THIS __ DAY OF __, 2024.

COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

Tamara Pogue, Chair

READ, PASSED AND ADOPTED AFTER PUBLIC HEARING ON THIS __ DAY
OF _____, 2024

COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS

Tamara Pogue, Chair