



## MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

**TO: MAYOR AND TOWN COUNCIL**  
**FROM: HILARY SUEOKA, ENVIRONMENTAL PROGRAMS COORDINATOR**  
**RE: ORDINANCE 22-04 - PAY-AS-YOU-THROW AND UNIVERSAL RECYCLING ORDINANCE**  
**DATE: MARCH 22, 2022**

**Summary and Background:** This is the second reading of Ordinance 22-04, an ordinance adding Article III to Chapter 124 of the Frisco Municipal Code to introduce recycling policy changes to curbside waste pick up at residential properties, and dumpster pick up at commercial and multi-family residential properties.

A Pay-As-You-Throw policy provides a price signal to customers with an economic incentive to reduce waste and recycle more. Ordinance 22-04 achieves this through a required 80% minimum price differential between bin sizes.

Universal Recycling requires that businesses and multifamily properties have recycling collection service in addition to any existing waste pickup.

Council discussed and unanimously approved Ordinance 22-04 with amended changes during the Town Council meeting on 3/8/22. The Ordinance has been amended since the first reading with the following changes:

- Fees for penalties are simplified to refer to the general penalty for violations
- Individuals and families who qualify for SNAP will also qualify for a low-income variance, should they wish to apply. Financial assistance is to address only any increase in billing to comply with the PAYT ordinance.

**Analysis:** Summit County's communitywide goal is to increase landfill diversion to 40% by 2035, a goal set in 2015 by the Zero Waste Task Force (ZWTF). The ZWTF is a local stakeholder group that advises the Summit County Resource Allocation Park (SCRAP) and High Country Conservation Center (HC3) staff. The Task Force is comprised of local government elected officials and staff, waste haulers, large and small businesses and community members.

Since the Strong Future ballot measure passed in 2018, new programs have included opening the Silverthorne recycling center, creating a public marketing and outreach campaign, adding glass recycling stations throughout the community, offering free food scrap drop off for residents and providing free mattress recycling. Despite these new programs, the County-wide waste diversion rate remains at approximately 20%. While we expect the newly created programs to increase waste diversion slightly in coming years, Pay as You Throw (PAYT) and Universal Recycling Ordinances (URO) dramatically increase recycling in communities. The Zero Waste

Task Force identified PAYT as a community priority to increase local diversion. HC3 applied for and received a grant in 2021 from the state of Colorado to pursue PAYT and URO in Summit County.

Beyond positive impact on the environment and alignment with strategic plan goals, both PAYT and URO create a more equitable system of materials management. Currently, those who create less waste subsidize pickups for those who are creating more. With the introduction of these policies, residents with curbside pickup will only pay for their chosen size bin, which better reflects the amount of waste their household generates. In instances where the residents are able to select a small or medium bin, this change may result in either no financial impact, or a reduced cost to the residents. In multifamily properties using commercial service, URO allows all residents access to recycling. This is particularly impactful for any transit-dependent residents, for whom recycling at the drop sites may not currently be a viable option. A waiver process will be available for residential customers who are unable to afford increased fees and for commercial customers who find that retrofitting a trash and recycle enclosure is infeasible due to extreme space limitations.

Following the initial Work Session in December, HC3 and LBA, a consultant hired by HC3 to facilitate the stakeholder process and draft the ordinance, performed an extensive outreach process with residents, businesses, HOAs, and property managers (see details and feedback summary in Attachment 2) in addition to Town Council and County Commissioner presentations, and 1 on 1 hauler meetings.

### Implementation

Ordinance adoption is planned for Q1 of 2022 in Frisco, and Q2 2022 for Breckenridge and Summit County. During Q1 2022, the PAYT Steering Committee will discuss policy Implementation budget, waivers, and enforcement. Town staff will create a waiver (ideally shared between all participating jurisdictions) and enforcement plan, while HC3 will create a marketing and outreach plan in Q2 2022. Town staff will facilitate any necessary changes to hauler licensing applications and reporting forms, and create an online waiver form for residents, businesses, and HOAs. In Q1 2023, HC3 will launch a marketing campaign to inform residents and businesses of upcoming changes. The Ordinance effective date is April 1, 2023.

PAYT: Following ordinance adoption, hauler communication to residential account customers will begin in Q2 2023. In the first few months after the ordinance is effective, HC3 will operate a hotline to field resident questions. Town Staff will launch the online waiver form for low-income residents and respond to waiver requests. Haulers should ensure that 90% of PAYT trash and recycling carts are deployed by October 1, 2023.

URO: Following effective date, HC3 will operate a hotline for business questions. Town Staff will launch the online waiver form for low-income businesses and respond to waiver requests, as well as answer any questions from residents and businesses. 50% of commercial accounts and all group residential accounts and valet customers should be in compliance within one year of effective date. By June 1, 2025, 100% of commercial accounts should be in compliance. In December 2024 to August 2025, Town Staff will likely see an increase in hours dedicated to this policy as site visits will be required to verify waiver requests for commercial accounts. HC3 will continue education and outreach, work with haulers to identify any customers needing help, and provide spot monitoring for commercial properties during this time.

## **Roles and Responsibilities**

### HC3

For 2022, HC3 will continue to lead the stakeholder process, formalize a communitywide implementation plan, coordinate with Town and County staff – including leading the PAYT steering committee, coordinate with haulers, and draft proposed 2023, 2024 and 2025 Strong Future budgets for review from the Strong Future Recycling Advisory Group. There is funding approved in the 2022 Strong Future budget (assuming ordinance adoption by Frisco and other jurisdictions) to pay a consultant and create a PAYT/URO marketing campaign.

Contingent upon approval of Strong Future funding in 2023, 2024, and 2025, HC3 will execute all marketing and outreach, provide technical assistance for commercial accounts that require help, offer a hotline to field resident and commercial account questions, administer commercial rebates, create an “oops tag” program, and coordinate with haulers to identify problem areas. HC3 will also spot-monitor commercial accounts for compliance, especially as the June 1, 2025 compliance deadline approaches.

### Town Staff

The Town will create a waiver process for low-income residents and for commercial entities that is specific to their jurisdiction, using waiver criteria as outlined in the ordinance. Town staff will create an online waiver application, and will respond to all requests. Brief site visits to commercial properties will be needed to verify commercial application waivers. Town staff will also respond to resident and commercial calls and complaints as needed, though ideally most calls will be routed to HC3’s hotline.

The Town will be responsible for enforcement of both PAYT and URO relating to waste customers and haulers. HC3 and Town staff intend to take an “education first” approach with enforcement by the Town only applied if education fails after several attempts. After the 24-month commercial compliance deadline of June 1, 2024, the Town may choose to move beyond an “education and assistance” approach and impose non-compliance penalties.

### Haulers

Haulers will be responsible for charging residential and commercial customers for trash and recycling overflows, and for penalizing customers for recycling contamination over 15%. Haulers will report “hot spots” to HC3 quarterly, including neighborhoods (not individual residences) or commercial areas that may need extra recycling education.

### Additional Considerations

Due to Council’s foresight in changes to the code as part of the Sustainability Code amendments in January 2021 (Ordinance 20-23), equal space for trash and recycling in new dumpster enclosures is already required for new developments in Frisco. This will ease the barrier of inadequate space to URO adoption in newer properties, or those who have chosen to comply with code retroactively. Furthermore, the option to reduce number of existing parking spaces to retrofit with the new dumpster enclosure requirements is a unique incentive already included in Town Code (Section 180-6.17.5) that may further aid the transition to URO.

**Financial Impact:** Funding for this program will come from Strong Futures as well as from the Town. For Strong Futures funding, a budget request will go before the Zero Waste Task Force for approval during Q2 of 2022, for recommended funding levels for the 2023 budget. This recommendation will need to be approved by the Board of County Commissioners. Strong Futures

funding amounts are not detailed in this staff report since the budget for PAYT/URO has not been presented to either ZWTF or the BOCC.

Each jurisdiction to participate in the PAYT/URO ordinance adoption will be asked to contribute staff time and funding. Staff time is estimated at 5-15 hours/month. (See other staff time responsibilities in Analysis). The Town contribution for 2023 is estimated at roughly \$98,000. This amount includes residential cart distribution and trade out support, low-income resident support, and a grant program to support commercial accounts as they come into compliance with URO.

**Environmental Sustainability:** Approval of these policies would advance environmental sustainability community-wide and align with the Town's Community Plan Guiding Principle 6: Sustainable Environment and more specifically, 6.1A Support implementation of the Climate Action Plan and 100% renewable energy initiatives.

**Alignment with Strategic Plan:** One of the Council's Environmental Stewardship Goals is to implement the Climate Action Plan, which lists PAYT (aka as "Save-As-You-Recycle") as a Waste Strategy. URO aligns with Council's environmental stewardship goals to increase waste diversion at businesses.

**Staff Recommendation:** The PAYT and URO Ordinances are brought before Council for your consideration to improve the region's low recycling rate, help drive recycling markets, and increase the lifespan of our current landfill. It is Staff's recommendation that Council adopt Ordinance 22-04 on first reading.

**Reviews and Approvals:** This report has been reviewed and approved by:

Diane McBride, Interim Town Manager  
Leslie Edwards, Finance Director  
Don Reimer, Community Development Director

**Attachments:**

Attachment 1 – Ordinance 22-04