

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 22 – 04**

AN ORDINANCE AMENDING CHAPTER 124 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING PUBLIC HEALTH AND SAFETY, BY ADDING A NEW ARTICLE III THEREOF TO: (I) ESTABLISH COMPREHENSIVE REGULATIONS TO REQUIRE THE COLLECTION OF RECYCLABLE MATERIALS BY TRASH HAULERS; (II) TO REQUIRE TRASH HAULING SERVICE PRICING MECHANISMS (KNOWN AS “PAY AS YOU THROW”) THAT ARE DESIGNED TO REDUCE THE CREATION OF SOLID WASTE AND INCREASE THE RECYCLING OF RECOVERABLE MATERIALS; AND (III) SETTING FORTH PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, in August of 2005, the Summit County Board of County Commissioners approved 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the promotion of reduced consumption, reuse of materials and increased recycling until the concept of a landfill is obsolete; and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, Summit County 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 Summit County Board of County Commissioners approved Ordinance No. 2(A) for the collection, transportation and disposal of solid waste including annual Licensed Hauler requirements; and

WHEREAS, in 2018, Summit County 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.

WHEREAS, The Town Council of the Town of Frisco finds that collection services and pricing structures that incentivize the separation of recoverable materials from the waste stream in the Town of Frisco 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.

WHEREAS, residential and commercial generators of solid waste need to separate recoverable materials to allow effective collection in a safe and efficient manner.

WHEREAS, pursuant to its home-rule authority and CRS 31-15-401, the Town of Frisco has authority to regulate solid waste haulers and adopt other requirements necessary to promote the public health and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Chapter 124 of the Code of Ordinances of the Town of Frisco (the "Code"), concerning public health and safety, is hereby amended by the addition of a new Article III, concerning requirements for trash hauler recycling service, to read as follows:

ARTICLE III

Waste Reduction and Recycling

§ 124-24. Definitions.

As used in this Article, the following words shall have the following meanings. Where terms are not defined, they shall have their ordinarily accepted meaning within the context that they are used.

Base Unit Rate means 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.

Bin means 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.

Commercial Customer means any property located in the Town of Frisco where Multi-Family Property operates or a business, 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.

Common Area means 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.

Container means 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

County Manager means the County Manager of Summit County or the manager’s designee.

Drop-Off Center means public drop sites owned and operated by Summit County for the free collection of Recyclables, Organics and other materials as established by the County Manager. 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.

Glass means those glass materials established as acceptable Recyclables by the County Manager but that shall only be accepted as a discrete materials stream collected in a separate Container and not mixed with other Recyclables.

Group Account means 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.

Hauler means any person or company in the business of collecting, transporting or disposing of Solid Waste for a fee or other compensation to a transfer station, recycling facility, disposal site or other like facility.

Hazardous Materials shall have the meaning as defined in the United States Hazardous Materials Transportation Act (49 USC Section 5101).

Hotels and Motels means any property in which lodging is provided to transient guests for compensation but excludes boarding or rooming facilities, tourist homes or Short-Term Rentals.

Landfill means 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.

Licensed Hauler means any Hauler with a current operating license issued by the Town of Frisco.

Multi-Family Property means any property or properties that include(s) residential units located in the Town of Frisco that share one or more Trash Containers and for which collection is provided under a discrete service subscription or contract for that property or multiple properties.

On-Call Collection Customer means any Residential or Commercial Customer that receives Trash collection service on an irregular or unscheduled basis.

Qualified Facility means 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.

Recoverable Material means 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 County Manager but may exclude any Recyclables with 15% or more contamination by volume.

Recyclable means 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 Manager 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
- ii. Glass and other separated materials accepted for collection as a discrete materials stream in a separate Container from other Recyclables

Residential Customer means an individual or individual residential property located in the Town of Frisco 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.

Short-Term Rental means an arrangement for one party living in or using a property owned by another party for any period of time less than 30 consecutive days.

Solid Waste means 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.

Summit County Resource Allocation Park is also known as “SCRAP” and means the publicly owned and operated non-hazardous waste facility for the management of Trash and Recoverable Materials.

Town Manager means the Town Manager of the Town of Frisco or the manager’s designee.

Trash means any Solid Waste accepted at the Summit County Resource Allocation Park excepting Recoverable Materials.

Valet Collection Customers means 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.

Volume-Based Service Rates means 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.

§ 124-25. 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 this Article, but may be required to provide documentation to verify eligibility for this exemption provided that all Recoverable Material is delivered to a Qualified Facility:
 - 1. Residential or Commercial Customers who self-haul only the Trash that customer generates, or who transports Solid Waste for another individual without compensation;

2. On-Call Collection Customer with Trash collection less than once per calendar month – when Trash collection service increases to more than once in any calendar month, On-Call Customers shall be subject to the recycling requirements as described in this Article;
 3. 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;
 4. 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;
 5. 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;
 6. 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;
 7. Haulers engaged solely in the transport of discarded materials that are expressly excluded from the definition of Solid Waste in this ordinance and regulations promulgated hereunder; and
 8. Any other similarly situated individuals or entities determined to be exempt, in writing, by the Town Manager
- C. Recyclables Only Exemption. 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. Any self-hauled Recyclables shall be delivered to a Qualified Facility.
- D. 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.
- E. 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 object 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.

- F. 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 purpose of inspection to ensure compliance with the requirements of this Article, no person other than the customer or Licensed Hauler shall take possession of any Recyclables placed for collection.
- G. Illegal Dumping or Accumulation. It shall be unlawful for any individual or entity to dump, allow to be deposited or accumulate any Solid Waste upon any public or private property, in any public right-of way, or upon the alleys behind or the sidewalks or roadways in front of any property, including construction sites.
- H. Litter and Odor. Every owner or occupant of premises within the Town of Frisco shall keep the area within a reasonable vicinity of their Solid Waste storage facility free of Solid Waste materials except as may be contained within a Container. Any person or entity transporting Solid Waste within the Town of Frisco 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 CRS 42-4-1407.
- I. Ashes. Any solid residue left from burning combustible materials shall be placed in a suitable container separate from other Solid Waste.

§ 124-26. Hauler licensing and reporting requirements.

- A. License required. No Hauler shall engage in the collection of Solid Waste within the Town of Frisco without first obtaining and having in full force and effect a business license from the Town pursuant to the Article I of Chapter 110 of this Code. Compliance with the requirements and limitations of this Article shall be conditions of license renewal; non-compliance shall be considered grounds for license suspension or revocation in accordance with Article I of Chapter 110 of this Code in addition to any penalties established by this Article.
- B. Bi-Annual Reporting. Each Hauler that operates within the Town of Frisco shall provide the reports required by this Section. 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 this Section shall be submitted for the period ending June 30th, 2023. Reporting shall be completed on-line using the reporting form provided by the Town of Frisco and shall provide the following information:

1. Weight-based totals for Solid Waste quantities collected within the Town of Frisco, including regular collections, Valet Collection Customer and On Call Trash Customer quantities on the following basis:

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

Acceptable estimations for generating weight-based totals include:

- 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
- Volume-to-weight conversions based on factors established by the Colorado Department of Public Health & Environment or others approved by the Town of Frisco
- Licensed Hauler estimate of residential & commercial quantities in mixed loads
- Licensed Hauler estimate of Town of Frisco quantities in mixed loads including both Town of Frisco and non-Town of Frisco generated Solid Waste;

2. Customer account totals:

- All Residential Customers including regular customers, Valet Collection and On Call Trash Customers with Trash, Recyclables without Glass, Glass (if any) & Organic (if any) accounts
- All Commercial Customers with Trash, Recyclables without glass, Glass (if any) & Organic (if any) accounts
- For purposes of this reporting, 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;

3. Residential Customer service and pricing options including Group Account options;
4. A list of Qualified Facilities where Recoverable Materials are delivered for recycling or other management and any transfer station or landfill facilities used if other than the SCRAP facilities; and
5. A copy of required customer service notices.

- C. Quarterly Reporting. Each Hauler that operates within the Town of Frisco shall provide the reports required by this Section. The reporting periods shall be January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, and October 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 this Section shall be submitted for the period ending June 30th, 2023. Reporting shall be completed on-line using the reporting form provided by the Town of Frisco and shall provide the following information:
1. Customer accounts that refuse service as required by this Article; and
 2. Residential streets or neighborhoods, Group Accounts, commercial clusters or other areas of multiple customers with repeated Recyclables contamination and/or Trash overflows.
- D. Copy of License. Licensed Haulers shall maintain a copy of the Town of Frisco license in each collection vehicle and at the company location listed on the license application.
- E. Operational, Service or Rate Changes. Licensed Haulers shall provide written notification to the Town Manager 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.
- F. Inspections. All Licensed Hauler vehicles are subject to inspection by the Town of Frisco to verify compliance with these Regulations.
- G. Records. All Licensed Haulers shall maintain accurate and complete records of any data necessary for reporting under this Article or to determine compliance with the requirements of this Article for a period of three (3) years from the end of each calendar year.
- H. Audits. All Licensed Haulers shall make its records available to the Town Manager for audit during regular business hours for the verification of compliance with this Article.

§ 124-27. Hauler service requirements.

- A. Residential Collection Service. With the exception of On-Call Collection Customers and Valet Collection Customers whose regular Trash collection service is less frequent than every other week, Licensed Haulers shall provide, or verify that each Residential Customer has provided, a Trash Container and Recyclables Container. In addition:
1. 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;

2. Residential Customer collections may include separate Glass collection at the Licensed Hauler's discretion;
3. For each Residential Customer, a Licensed Hauler shall:
 - 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;
 - Provide a Medium Recyclables Container unless the customer requests a Small or Large Container prior to Container delivery;
 - 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; and
 - 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;
4. 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 Service Rate for each Large Trash Container; and
5. 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.

- 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 not less than \$36/month and the Large Trash Container service level shall be not less than \$52/month
- 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 not less than \$104 for Trash and Recyclables collection

1. 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 as a matter of law.
 2. Volume-Based Service Rates shall be inclusive of regular Container and not be assessed at an additional cost.
 3. 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 others. Licensed Haulers are not required to reduce Volume-Based Service Rates for customers who provide their own Containers.
 4. Service 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.
 5. For Group Accounts:
 - a. 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; and
 - b. For Group Accounts with an existing Licensed Hauler contract for Solid Waste collection services that precedes the effective date of these Regulations compliance with subpart a above may be delayed up to one (1) year or the end of the existing Licensed Hauler contract term, whichever occurs first.
- C. Commercial Collection Service. Licensed Haulers shall provide Commercial Customers, On-Call Collection Customers with Trash collection more than once in any calendar month, and Valet Collection Customers with Trash collection ~~at least as less~~ frequent ~~asthan~~ 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 (1/2) 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.

Recyclables Container capacity examples:

- Valet Collection Customer – if customer has 96-gallon Trash Container collected ~~weekly~~monthly, the Licensed Hauler shall provide at least the equivalent of a 96-gallon Recyclables Container collected every-other-~~week~~month
 - 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/week
 - 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
1. Rates assessed by Licensed Haulers for Trash and Recyclables collection for On-Call and 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 as a matter of law.
 2. 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.
 3. 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.

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

1. All Containers provided by Licensed Haulers are labelled with current Licensed Hauler name and contact information - any other information shall be removed or covered;
2. Recyclable Containers, regardless of whether provided by the Licensed Hauler or customer, shall include conspicuous and durable signage

provided by Summit County that describes acceptable and unacceptable Recyclables – any outdated information shall be removed or covered; and

3. All labels shall be weather-resistant and conspicuously placed.

- E. Wildlife-Resistant Trash Containers. Upon a request from any customer, Licensed Haulers shall provide wildlife-resistant Containers, 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.
- F. Recyclables Containers. Recyclables 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.
- G. 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 the Recyclables Container as a Trash Container and bill the customer accordingly; any Container so managed shall be prominently affixed with a tag identifying it as contaminated at the time of service.
- H. 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 identifying it as overloaded at the time of service.
- I. Vehicle Overloading . Registered Haulers shall comply with State of Colorado vehicle weight limitations pursuant to CRS Sections 42-4-507 and 42-4-508.
- J. Customer Education. Licensed Haulers shall notify all Residential and Commercial Customers of the provisions and guidelines related to this Article. All notification and guidelines shall be distributed by electronic mail or hard copy delivery to the customer account unless otherwise noted below:
 - 1. 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

2. Licensed Haulers shall maintain a website that includes current residential and commercial collection options, ~~rates~~ and a list of Recyclables accepted at the SCRAP recycling facility; and
 3. Licensed Haulers shall deliver to customers up to three (3) communications per year generated by the Town of Frisco or Summit County – these may include guidelines for the safe and effective separation of Recoverable Materials that is developed jointly with Licensed Haulers; and
 4. 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.
- K. Other Hauler Regulations. Nothing in this Article 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.
- L. Other Hauler Charges. Nothing in this Article shall be construed as prohibiting any Licensed Hauler from assessing separate charges for extra services including overloaded Trash Containers, unscheduled Trash collections, wildlife-resistant Trash Containers, contaminated Recyclables, collecting Organics or bulky items.
- M. 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 this Article. Any subcontractor or agent shall also be a Licensed Hauler.
- N. Material Delivery to SCRAP. Licensed Haulers shall deliver all Trash collected in the Town of Frisco to SCRAP with exceptions established by the County Manager 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.

§ 124-28. 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 Article.

- B. Collection Service Requirement. Each owner of real property or other person who causes the accumulation of Solid Waste on a property within the Town of Frisco shall provide Trash and Recyclables collection from a Licensed Hauler and at least one (1) Trash Container and one (1) Recyclables Container for each individual residence or commercial enterprise unless said parties share collection service limited to:
1. Residential Customers located adjacent to one-another may share Trash, Recyclables or Glass (if any) collection service;
 2. Commercial Customers located adjacent to one-another or sharing a Solid Waste enclosure may share Trash, Recyclables or Glass (if required) collection service; and
 3. Any sharing arrangement shall require a written agreement between customers and the Licensed Hauler and that all applicable Regulations are met
- C. Trash Container Placement. Placement of Trash Containers for collection and/or the provision and use of a lock or other mechanism shall comply with any wildlife resistance regulations that may be in effect from time to time under Section 127-17 of this Code.
- D. 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:
1. Bins for the collection of commingled Recyclables shall be located proximal to Trash Bins;
 2. Bins for the collection of Glass are optional except for Commercial Customers with a current liquor license issued by the Town of Frisco 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
 3. Commingled Recyclables and Glass Bins shall be sized and serviced with a frequency that prevents Recyclables and Glass from being mixed with Trash; and
 4. Each Bin shall include a label identifying acceptable and unacceptable materials provided by Summit County and affixed by the Commercial Customer.

E. 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.

F. 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:

1. Housekeeping and janitorial contracts established by Commercial Customers shall specify the requirement for preventing Recyclables and Glass from being mixed with Trash;
2. Commercial Customers shall provide employee, occupant, tenant, housekeeping and janitorial training with materials provided by Summit 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; and
3. Commercial Customers shall maintain written records of Solid Waste collection services and training activities.

G. Customer Recycling Variances and Waivers. A variance or waiver from the recycling requirements of this Article may be granted upon receipt of completed request form and supporting documentation from a Residential or Commercial Customer or Licensed Hauler and approval by the Town Manager. Variances may be approved to temporarily modify the recycling requirements of this Article and waivers may be approved to temporarily exempt compliance. Variances and waivers will be issued for a maximum period of two (2) years, at which time full compliance shall be required unless a new variance or waiver is requested and approved, the period of which shall not an additional six (6) months. The Town Manager may issue variances or waivers:

1. To an individual Residential Customers or the household that is provided with collection service based on economic hardship when the individual or household earns less than _____% of the Area Median Income 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.
2. To Commercial Customers, including Multi-Family Properties:
 - a. Whose premises have extreme space constraints; and

- b. 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
 - c. Who would violate another Town of Frisco code or regulation, or state or federal regulation, if required to separate Recyclables or Glass for collection.
3. To Commercial Customers, including Multi-Family Properties, for Common Area recycling where reasonable quantities of Recyclables or Glass is not generated, meaning that less than one (1) Large Recyclables Container is collected once per week for either material; and
 4. To Multi-Family Properties that include more than 70% Short-Term Rental units on average over the calendar year, which may be allowed a reduced Recyclables Container volume capacity equal to 25% of Trash container capacity.

H. Grants in Aid Program. The Town Manager shall develop and implement a program of monetary grants to assist Residential and Commercial Customers who seek and are granted a variance or waiver under subsection G above. The program shall provide no more in any individual grant 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 this Article. When practicable, the grant shall be designed to cause full compliance with the requirements of this Article upon expiration of the variance or waiver.

§ 124-29. Violations and Penalties.

- A. It is unlawful for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished [as set forth in Chapter 1, Section 1-14 of this Code.] ~~or [as follows]:~~

~~1. Residential Customer and Commercial Customer Violations. Customer violations of this Article shall be assessed according to the following schedule of fines:~~

- | | | | |
|----|-------------------------|----|-------|
| 1. | 1 st Offense | \$ | _____ |
| 2. | 2 nd Offense | \$ | _____ |

3. ~~3rd and Following Offenses~~ \$

~~2. Hauler Violations. Hauler violations of this Article shall be assessed according to the following schedule of fines:~~

~~1st Offense~~ \$

~~2nd Offense~~ \$

~~3rd Offense~~ \$

Section 2. Savings Clause. Should any section or sections of this ordinance be determined by a court of competent jurisdiction to be unconstitutional or invalid for any reason, then that section or sections shall be deemed severable and the remaining provisions of this ordinance shall continue in full force and effect.

Section 3. Effective Date; Dates for Compliance. This Ordinance shall be effective on April 1, 2023. Any other provision of this Ordinance notwithstanding, it shall be unlawful for a Hauler to:

- a. Fail to deliver at least ninety percent (90%) of Trash Containers and Recyclables Containers to the Residential Customers of the Hauler or fail to initiate volume-based collection service on or before October 1, 2023, with the exception of:
 - i. Group Accounts with a Licensed Hauler contract for Solid Waste collection services that precedes the effective date of this ordinance – whose 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 or June 1, 2024, whichever occurs first; and
 - ii. On-Call and Valet Collection Customers regulated under this ~~--Article~~ who shall receive Recyclables Containers and be provided with Recyclables collection service one or before June 1, 2024 unless exempted.
- b. Fail to deliver at least fifty percent (50%) of Recyclables Containers or fail to initiate Recyclables collection services to the Commercial Customers of each Hauler on or before June 1, 2024, or to fail to deliver one hundred (100%) of Recyclables Containers to the Commercial Customers of the Hauler on or before June 1, 2025.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED ON
THE ____ DAY OF _____, 2022.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS
_____, DAY OF _____, 2022.

TOWN OF FRISCO, COLORADO:

Mayor Hunter Mortensen

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk

