

TOWN OF LYONS, COLORADO

ORDINANCE NO 977

**AN ORDINANCE FOR THE LICENSING OF THOSE IN THE BUSINESS OF
COLLECTING AND TRANSPORTING DISCARDED MATERIALS WITHIN THE TOWN OF
LYONS**

WHEREAS, Colorado municipalities are generally empowered by C.R.S. section 31-15-401 to require the collection and disposal of trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials; and

WHEREAS, municipalities are also empowered by C.R.S. section 31-15-501 to regulate businesses operating within the Town, and specifically to regulate the activities of persons in the business of collecting and transporting trash and other refuse by requiring each such person to secure a license from the Town and charging a fee therefore; and to require adherence to such reasonable standards of health and safety as the Town's Board of Trustees may prescribe and to prohibit any such person from commercially collecting or disposing of such materials without a license or when not in compliance with such standards of health and safety as may be prescribed by the Board; and

WHEREAS, the Town's Board of Trustees desires to require every person in the business of transporting discarded materials to and from disposal sites to have, before commencing such operations, in such motor vehicle a motor vehicle liability insurance policy or evidence of such policy issued by an insurance carrier or insurer authorized to do business in the state of Colorado; and

WHEREAS, persons or companies in the business of hauling waste, electronics, recyclables and compostables within the Town, through their collection and transportation activities are able to supply the Town with information necessary for long-term solid waste management planning and therefore should be required to submit annual information about their hauling activities to the Town; and

WHEREAS, the Town desires to encourage waste reduction in order to further the waste diversion goals supported by the Town; and

WHEREAS, it is the intent of this Ordinance to: (1) obtain information for long-term solid waste planning; and (2) protect the health, safety and welfare of the public.

**NOW, THEREFORE BE IT ORDAINED BY THE TOWN OF LYONS BOARD OF TRUSTEES
AS FOLLOWS:**

SECTION 1. A new Article 6 entitled Trash Hauler Licenses is hereby added to Chapter 6 of the Lyons Municipal Code to read in full as follows:

Section 6-6-10. Intent. It is the intent of this Ordinance to:

- A. obtain information for long-term solid waste planning; and
- B. protect the health, safety and welfare of the public.

Section 6-6-20. Definitions.

A. For the purpose of this Ordinance, the following words, terms, and phrases will have the following meanings:

1. The term "Hauler" shall mean person or company in the business of collecting, transporting or disposing of Discarded Materials for another, for a fee, or for no fee, except as described in Section 6-6-30(B) below.
2. The term "Discarded Materials" shall mean all putrescible and non-putrescible solid wastes discarded from any residential or commercial sources including Recyclable Materials, Compostable Materials, CONSTRUCTION WASTE, ELECTRONIC WASTE. The term "Discarded Materials" shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumpings; discarded or abandoned vehicles or parts thereof; residential appliances containing chlorofluorocarbon refrigerants; 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.
3. The term "Garbage" shall mean Discarded Materials from Residential, multi-family and commercial customers, excluding Recyclable Materials and/or Compostable Materials that have been source-separated for collection.
4. The term "Periodic Garbage Collection" shall mean the regular collection of Garbage from single-family or multi-family residential properties, on a schedule of not less often than once every five weeks.
5. The term "Residential Customer" shall mean all residential structures with not more than two residential units that receive regular Periodic Garbage Collection service.
6. The term "Multi-family Customer" shall mean a residential structure with three or more residential units that employs a communal system for Periodic Garbage Collection.
7. The term "Commercial Customer" shall mean any premises where a commercial, industrial, or institutional business or enterprise is undertaken, including, without

limitation, retail establishments, restaurants, hospitals, manufacturing factories, schools, day care centers, office buildings, nursing homes, clubs, churches, and public facilities.

8. The term "Recyclable Materials" shall mean Discarded Materials from any residential or commercial source that are collected separately for the purpose of such materials being re-processed into new or different products or packaging materials, provided that such materials have been designated in subsection 6B of this Ordinance as recyclable.

9. The term "Compostable Materials" shall mean Discarded Materials from any residential or commercial source that are collected separately for the purpose of such materials being composted, or otherwise processed through natural degradation into soil amendment, fertilizer or mulch.

10. "The Boulder County Recycling Center" shall mean the recyclables processing facility owned by Boulder County located at 1901 63rd St., Boulder, CO.

Section 6-6-30. LICENSE REQUIRED

A. No person or entity shall operate as a Hauler within the Town without a current Town of Lyons business license and Annual Hauler License for such activity.

B. Exemptions. The following persons or entities shall not be subject to this Ordinance.

1. A civic, community, benevolent, volunteer or charitable nonprofit organization not in the regular business of collecting, transporting and marketing recyclables solely for the purpose of raising funds for a civic, community, benevolent or charitable activity.

2. A property owner or agent thereof who transports Discarded Materials left by a tenant upon such owner's property, so long as such property owner is not compensated for such collection service on a regular or continuing basis;

3. Landscaping companies that produce and transport Discarded Materials produced incidentally to the demolition, construction, or landscaping work

Section 6-6-40. Licensing Process

A. The application for a Hauler License shall be submitted to the Town on a completed Town Hauler Licensing Program Application and Self-Certification Form.

Section 6-6-50. Implementation Standards

The Town of Lyons Board of Trustees shall set standards for the implementation of the Hauler Licensing Program including the amount of license fees

Section 6-6-60. Licensing Fees

The Town shall issue a Hauler License upon the applicant satisfying the requirements herein, including but not limited to obtaining a Town of Lyons business license and upon full payment of an annual license fee, as specified in the Hauler Licensing Implementation Standards issued by the Town. All license fees shall be paid in full and shall accompany the application for such license.

Section 6-6-70. Licensee Requirements

A. Annual Reporting

All haulers must submit annual reports for Discarded Materials collected from within the Town.

Annual reports must include the following information:

- Weight (in tons) of the following:
 - Discarded Materials
 - Garbage
 - Recycled Construction and Demolition Materials
 - Recyclable Materials (by commodity) or aggregated into commingled containers; mixed paper; single stream (commingled containers combined with mixed paper)
 - Compostables
 - E-waste
 - Other information deemed necessary as waste diversion reports are further developed
- Name and location of landfill, recycling, composting, C&D, e-waste, facility(s) used.

Reports will be submitted to the Town, 432 5th Avenue, P.O. Box 49, Lyons, CO 80540, by January 31, each year, using a Town of Lyons Hauler Report Form provided by the Town.

B. Service for Multi-family Customers and Commercial Customers

Haulers who collect Discarded Materials including Recyclable Materials and Compostable Materials from Multi-family Customers and/or Commercial Customers shall offer such services with a frequency as is necessary to prevent overflow from the collection containers utilized for the collection and preparation of such material by such Multi-family Customer and Commercial Customers.

C. Town to Supply Information

The Town may produce an educational flyer about recycling and waste reduction opportunities. Haulers shall copy and distribute this flyer, not to exceed one sheet of paper in length, to all their residential customers and multi-family customers, at no charge to the Town.

In the event the Hauler elects to perform collection of waste, including Compostable Material, through subcontractors or agents, such agency relationship shall not relieve the Hauler of responsibility for compliance with the provisions of this subsection or any rule promulgated hereunder.

Section 6-6-80. Electronics Collection Ban

In accordance with section 25-17-301 to 308, C.R.S., the "Electronics Recycling Job Act," haulers are prohibited from knowingly collecting the following electronic equipment for disposal:

- A. Waste electronic devices include television sets, central processing units (CPUs), computer monitors, peripherals, printers, fax machines, laptops, notebooks, ultra books, net books, electronic tablets, digital video disc players, video cassette recorders and video display devices with a screen greater than four inches; or
- B. Haulers may not collect electronics from industry, businesses, governmental agencies, institutions and schools unless the material is being managed under the Universal Waste Rule, Colorado Hazardous Waste Regulations 6 CCR 1007-3 Part 273.

Section 6-6-90. :Penalties for Non-Compliance

A. It shall be a violation of this Ordinance for any person, firm or entity to engage in any commercial waste hauling within the Town without first having obtained a business license and hauler license for said operation. Each separate Periodic Garbage Collection service or each separate collection from a Residential, Multi-family or Commercial Customer of Discarded Materials conducted without a license shall constitute a separate violation. Any such violation shall be punishable by a fine of not more than five hundred dollars (\$500.00) for each separate violation.

B. Any other violation of this Ordinance shall be punishable by a fine of not more than five hundred dollars (\$500) for each separate violation and/or may result in the suspension or revocation of the license

C. Law enforcement personnel may use the Penalty Assessment Procedure described in C.R.S. section 16-2-201 for violations of this Ordinance. This statute permits an arresting officer to issue a penalty assessment notice and release an alleged violator upon the terms of the notice or take the alleged violator before a county court judge. The penalty assessment notice shall be a summons and complaint, and shall contain the identification of the person, firm or entity which has violated this Ordinance. The penalty assessment notice shall also specify the offense, the applicable fine, and require that the alleged violator pay the fine or appear to answer the charge at a specified time and place.

D. No enforcement action for a violation of this Ordinance shall be taken more than one calendar year after the date on which said violation occurred.

Section 6-6-100. Severability

If any section, clause, sentence or part of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate the other provisions of this Ordinance which can be given effect without such invalid provision.

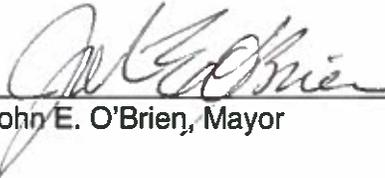
Section 6-6-110. Effective Date

This Ordinance shall be effective thirty (30) days after publication and adoption on second reading.

INTRODUCED, READ AND ADOPTED ON FIRST READING ON JUNE 15, 2015.

INTRODUCED, PASSED, ADOPTED AND ORDERED PUBLISHED JULY 6, 2015.

TOWN OF LYONS



By John E. O'Brien, Mayor

ATTEST:



Debra K. Anthony, Town Clerk



2014 Annual Report Form

Person submitting form:	Business Name:
Address:	City / Zip:
Phone Number:	E-Mail:
Signature*:	Date:

*This signature states that all information in this document is accurate to the best of my knowledge.

Please fill in the number of accounts and the type & amount of material collected within unincorporated Boulder County in 2014.

Landfilled Materials					
	Number of Accounts	Total Municipal Solid Waste Landfilled (in tons)	Destination	Total Construction/Demolition Material Landfilled (in tons)	Destination
SINGLE FAMILY RESIDENTIAL			<input type="checkbox"/> Foothills Landfill <input type="checkbox"/> Front Range Landfill <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> Foothills Landfill <input type="checkbox"/> Front Range Landfill <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
MULTI-FAMILY RESIDENTIAL			<input type="checkbox"/> Foothills Landfill <input type="checkbox"/> Front Range Landfill <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> Foothills Landfill <input type="checkbox"/> Front Range Landfill <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
COMMERCIAL/ INDUSTRIAL/ INSTITUTIONAL			<input type="checkbox"/> Foothills Landfill <input type="checkbox"/> Front Range Landfill <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> Foothills Landfill <input type="checkbox"/> Front Range Landfill <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
TOTAL			N/A		N/A

Standard Recycled Materials							
	# of Recycling Accounts	Total Tons Single-Stream Recycling Recycled	Recyclables Destination	Total Tons Corrugated Cardboard Recycled	Cardboard Destination	Total Tons Construction / Demolition (C&D) Material Recycled	C&D Destination
SINGLE FAMILY RESIDENTIAL*			<input type="checkbox"/> BC Recycling Center <input type="checkbox"/> Waste Management <input type="checkbox"/> Other (specify):		<input type="checkbox"/> BC Recycling Center <input type="checkbox"/> Waste Management <input type="checkbox"/> Other (specify):		<input type="checkbox"/> ReSource Yard <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
MULTI-FAMILY RESIDENTIAL*			<input type="checkbox"/> BC Recycling Center <input type="checkbox"/> Waste Management <input type="checkbox"/> Other (specify):		<input type="checkbox"/> BC Recycling Center <input type="checkbox"/> Waste Management <input type="checkbox"/> Other (specify):		<input type="checkbox"/> ReSource Yard <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
COMMERCIAL/ INDUSTRIAL/ INSTITUTIONAL			<input type="checkbox"/> BC Recycling Center <input type="checkbox"/> Waste Management <input type="checkbox"/> Other (specify):		<input type="checkbox"/> BC Recycling Center <input type="checkbox"/> Waste Management <input type="checkbox"/> Other (specify):		<input type="checkbox"/> ReSource Yard <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
TOTAL			N/A		N/A		N/A

Additional Recycled Materials							
	Number of Pick-ups	Total E-Waste Recycled	Destination	Total Tons Scrap Metal	Destination	Total Misc. Household Materials	Destination
SINGLE FAMILY RESIDENTIAL			<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
MULTI-FAMILY RESIDENTIAL			<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
COMMERCIAL/ INDUSTRIAL/ INSTITUTIONAL			<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):		<input type="checkbox"/> CHaRM <input type="checkbox"/> Electronics Recyclers Int'l <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
TOTAL			N/A		N/A		N/A

Compost Materials			
	Number of Compost Accounts	Total Tons of Composted Materials	Destination
SINGLE FAMILY RESIDENTIAL			<input type="checkbox"/> A-1 Organics <input type="checkbox"/> CHaRM <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
MULTI-FAMILY RESIDENTIAL			<input type="checkbox"/> A-1 Organics <input type="checkbox"/> CHaRM <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
COMMERCIAL/ INDUSTRIAL/ INSTITUTIONAL			<input type="checkbox"/> A-1 Organics <input type="checkbox"/> CHaRM <input type="checkbox"/> Waste Management <input type="checkbox"/> Western Disposal <input type="checkbox"/> Other (specify):
TOTAL			N/A

PLEASE SUBMIT TO BOULDER COUNTY BY JANUARY 31, 2014
 Submit to: Boulder County Resource Conservation Division
 1901 63rd Street, Boulder, CO 80301 or fax to (720) 564-2227

Questions: Contact Bethany Hentkowski at bhentkowski@bouldercounty.org or (720) 564-2226



Resource Conservation

A division of Administrative Services

Boulder County Recycling Center • 1901 63rd Street • Boulder, Colorado 80301 • Tel: 720.564.2220 • Fax: 720.564.2227
www.bouldercounty.org

BOULDER COUNTY COMMERCIAL WASTE HAULER LICENSING PROGRAM APPLICATION FORM

To be completed by the Applicant

Name of Hauling Company: _____

Mailing Address: _____

Company Address: _____

Person applying for license: _____

Title: _____

Telephone Number: _____ Fax Number: _____

E-mail _____

Vehicles to be governed by terms of this license:

	Company Vehicle ID Number	Colorado License Plate Number	Vehicle Type: Year and Make
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

For additional vehicles, please attach additional sheets

Please provide additional information about your hauling service by answering the questions below:

1. Check all the areas in Boulder County that your company services:

- Allenspark Erie Longmont Nederland Ward
 Boulder Gunbarrel Louisville Superior Lafayette
 Broomfield Jamestown Lyons Unincorporated Boulder County

2. Please check off the services your company provides:

- Residential garbage pickup
 Commercial garbage pickup
 Recycling pickup
 Yard Waste pickup
 Compost pickup
 Roll-off services

Please list all other services:

BOULDER COUNTY HAULING LICENSE SELF -CERTIFICATION FORM

The Applicant must check off the items below and sign for self-certification:



_____ **YES.** Each vehicle operated in the performance of waste hauling services, as licensed under the Boulder County Commercial Waste Hauler Licensing Ordinance #2007-1 and 30-20-10 CRS, is insured through a policy issued by an insurance carrier or insurer, authorized to do business in the State of Colorado, in the sum of not less than \$150,000.00 for damages for or on account of any bodily injury to or the death of each person as the result of any one accident, in the sum of not less than \$150,000.00 for damages to the property of others as the result of any one accident, and in the total sum of not less than \$600,000.00 for or on account of any bodily injury to, or the death of all persons and for damages to the property of others.

_____ **YES.** Each vehicle operated in the performance of waste hauling services, as licensed under the Boulder County Commercial Waste Hauler Licensing Ordinance #2007-1 and 30-20-10 CRS, is in maintained in road-worthy and good condition and statements one through five below, where applicable, are correct and true.

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

I have completed the information being submitted above for compliance with the Boulder County Commercial Waste Hauler Licensing Ordinance #2007-1 and, based on information and belief formed after reasonable inquiry; I certify that the statements and information contained in this submittal are true, accurate and complete.

I am aware that failure to provide true and accurate and complete information on this self certification form constitutes a violation of Section 6 of the Commercial Waste Hauler Licensing Ordinance #2007-1 and 30-20-10 CRS and is a class 2 petty offense as provided for in Section 30-15-402(1) C.R.S., and is punishable by a fine of not more than five hundred dollars (\$500.00) for each separate violation and may also result in the suspension or revocation of my license.

Authorized Signature: _____

Printed Name: _____ Position: _____

Name of Hauling Company: _____

Company Address _____

Boulder County Resource Conservation Division
Waste Hauler Ordinance Regions

