

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF LARIMER COUNTY, COLORADO, REGARDING LICENSING OF
COMMERCIAL WASTE HAULERS OPERATING IN LARIMER
COUNTY**

Ordinance No. 1991-1

IT IS HEREBY FOUND by the Board of County Commissioners of Larimer County, Colorado, after public hearing held upon notice that:

1. Sorting and recovery of recyclables from the waste stream in Larimer County is necessary to maximize the useful life of the Larimer County Landfill and to thereby protect the public health of the residents of this county.
2. Commercial Waste Haulers operating within Larimer County must be licensed in order to protect the public health and welfare of residents and landfill employees in the following aspects:
 - a. Commercial Waste Haulers within Larimer County, through their pickup and hauling activities constitute a significant component of the traffic upon County Roads and State Highways within this County, contributing to the deteriorating air quality and road wear, so that licensing of haulers to maximize the efficiency of their operations is necessary;
 - b. County goals of efficient control of all aspects of the landfill operations and maximum utilization of recycling and waste reduction in order to extend the landfill's useful life and to protect the health and welfare of landfill employees and County residents requires the ability to direct and control Commercial Waste Haulers operating within the County for recovery at the Landfill.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Larimer County, Colorado, as follows:

Section 1.

- a. No Commercial Waste Hauler may operate within the unincorporated area of Larimer County, Colorado without first having obtained a Waste Hauler Annual Operating License for such activity.
- b. The following persons or entities are not required to obtain a Waste Hauler Annual Operating License:

1. A Civic, community, benevolent or charitable nonprofit organization that collects, transports and markets materials for resource recovery solely for the purpose of raising funds for a civic, benevolent or charitable activity;
2. A person who transports waste or recyclable materials produced by such person;
3. A property owner or agent thereof who transports waste or recyclable materials left by a tenant upon such owner's property, so long as such property owner does not provide waste collection service for compensation for tenants on a regular or continuing basis;
4. A demolition or construction contractor or landscaper who produces and transports waste in the course of such occupation, where the waste produced is merely incidental to the particular demolition or construction work being performed by such person.

Section 2.

Annual Operating Licenses shall be issued by the Larimer County Natural Resources Director on behalf of Larimer County to Commercial Waste Haulers who meet the minimum requirements for said operations established pursuant to this ordinance by the Larimer County Natural Resources Director. Commercial Waste Haulers who wish to obtain a license shall be required to submit a completed application along with an annual license fee of \$25.00 per company to the Larimer County Natural Resources Department.

All licenses issued under this ordinance shall run from the date of issue until the 31st day of January of the year following the date of issuance.

Section 3.

Each vehicle used in a Commercial Waste Hauling enterprise licensed hereunder, shall bear an identification issued by the Natural Resources Director in a conspicuous place upon the vehicle, clearly visible to the landfill Gate Attendants from their normal work location, which identification shall be issued by the Natural Resources Director at the time the license is granted.

Section 4.

The Larimer County Natural Resource Director shall establish minimum regulations and standards for the licensing of Commercial Waste Haulers who wish to operate within the unincorporated area of Larimer County.

- a. The designation of weight or volume based fee structures designed to provide economic incentive for resource recovery and waste minimization.
- b. All Commercial Waste Haulers licensed by Larimer County shall make available to their customers within the Fort Collins and Loveland Urban Growth Areas, at the customer's option, curbside collection of recyclable materials, as said materials are designated annually by the Director of Natural Resources. Within the Loveland Urban Growth Area, the Director of Natural Resources shall designate minimum materials to be recycled as those materials collected by the City of Loveland curbside collection program, unless otherwise directed by the Board of County Commissioners. Within the Fort Collins Urban Growth Area, the Director of Natural Resources shall designate minimum materials to be recycled as those materials designated for curbside recycling by the City Manager of Fort Collins, pursuant to Section 15-414, Ordinance No. 116-1990, City of Fort Collins, unless otherwise directed by the Board of County Commissioners.
- c. Nothing in this ordinance or in the regulations and standards established hereunder shall be construed as allowing the County to regulate, interfere with, designate, manipulate, or in any way set the rates charged by Commercial Waste Haulers licensed by Larimer County. The amount charged by licensed Commercial Waste Haulers, on a volume or weight basis, shall be at the sole discretion of each individual trash hauler, provided said charges provide a reasonable economic incentive to their customers for waste reduction and accurately reflect the actual amounts of waste generated by said customers.

Section 5.

Any finding or determination made by the Natural Resources Director pursuant to the provisions of this Ordinance shall be made subject to the following procedures:

- a. The Natural Resources Director shall initially publish all such proposed findings or determinations as written proposed findings or determinations. Publication, for the purpose of this provision, shall mean mailing of such proposed findings or determinations to all Larimer County licensed Commercial Waste Haulers and the publication in a newspaper of general circulation in Larimer County of a public notice describing in summary fashion said proposed written findings or determinations. Said mailing or public notice shall indicate that a copy of the proposed findings or determinations may be

obtained in the Natural Resources Director's office, and state that interested parties shall have 15 days from the date of publication in which to submit written comments to the Board of County Commissioners.

- b. Upon the expiration of 15 days following the publication of the notice of the proposed findings or determinations, the Natural Resources Director may adopt final findings or determinations, either in the form as originally proposed, or as modified in the discretion of the Board of County Commissioners. Such final findings or determinations shall be mailed to all Larimer County licensed Commercial Waste Haulers and to any interested party who submitted timely written comments upon the proposed findings or determinations. All such findings and determinations shall include a brief statement of the right of interested parties to appeal.
- c. Any interested party who submitted timely written comments, upon the proposed findings or determination and any Larimer County licensed Commercial Waste Hauler may appeal any final finding or determination of the Larimer County Natural Resources Director by submitting a written request for appeal addressed to the Larimer County Natural Resources Director and Board of County Commissioners within ten (10) days of the mailing of the final finding or determination. All appeals shall be heard by the Board of County Commissioners at a regular or special public meeting. The Board shall schedule an appeal hearing to be held within thirty (30) days of receipt by the Board of the written appeal request. The review by the Board shall be de novo. All parties to the appeal may be represented by counsel. At the conclusion of said hearing, the Board may adopt, reject or adopt with amendment the finding or determination of the Natural Resources Director. The Board in its discretion may take the matter under advisement and issue a written decision within a reasonable time, provided that the vote of the Board shall be taken in public session. In all events, the written decision of the Board shall be final.

Section 6.

It shall be a misdemeanor for any person, firm or entity to engage in any commercial waste hauling within the unincorporated area of Larimer County without first having obtained a license for said operation. Each separate commercial pickup of waste at any site or deposit of waste at the Larimer County Landfill, without a license therefor as required herein, shall constitute a separate violation which shall be punishable by a fine of \$300.00 or ninety (90) days in the County Jail, or both.

Section 7.

"Commercial waste hauling" for the purposes of this Ordinance shall be defined as the provision of a service of collecting, transporting or disposing of waste for another for a fee, by a private entity, on a regular or periodic basis, but shall not be construed to include the hauling, transporting, collecting or disposing of trash or waste by a construction contractor, which activity is directly associated with construction or excavation activities.

The term "waste" shall include all discarded matter from the preparation of food, all condemned food products, and all refuse and discarded matter from the handling, storage, preparation and sale of produce, and all substances which are discarded from dwellings, rooming houses, hotels, clubs, restaurants, boarding houses, eating places, shops, stores or other places of business, recreation, or residence. Septage, sewage, materials collected for reuse or recycling, and/or by-products of waste water and/or water treatment facilities, shall not be defined as waste for the purposes of this Ordinance.

Section 8.

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 9.

This Ordinance may be published upon final adoption by title and short outline only.

Section 10.

The provisions of this ordinance shall become effective July 1, 1992.

INTRODUCED, FIRST READ, AND SET FOR PUBLIC HEARING ON THE 28TH DAY OF MAY, 1991.

NOTICE OF PUBLIC HEARING PUBLISHED IN THE FORT COLLINGS COLORADOAN ON THE 8TH DAY OF JUNE, 1991.

APPROVED AND ADOPTED UPON SECOND READING AND AFTER PUBLIC HEARING ON THE 8TH DAY OF JULY, 1991.

PUBLISHED AFTER ADOPTION IN THE FORT COLLINGS COLORADOAN

ON THE 1ST DAY OF AUGUST, 1991.

BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY,
COLORADO

Moe Mekelburg
Chairman, Board of County Commissioners

Attest:
Sherry E. Graves
Deputy Clerk & Recorder