

 **ARTICLE 5. UNIVERSAL RECYCLING.**

 **Division 1. General Provisions.**

 **§ 15-6-81 APPLICABILITY.**

This article applies in the City's zoning jurisdiction.

Source: 1992 Code Section 12-3-121; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

 **§ 15-6-82 RIGHT OF ENTRY.**

(A) A department inspector may enter the premises of a business, building, or multi-family residential complex, or other location that is required to provide on-site recycling under this article to inspect for compliance with this article.

(B) An inspector shall present the inspector's credentials to an occupant of the premises on request.

(C) An inspector shall make a reasonable effort to locate the owner or other person having control of the building and request entry to the premises.

Source: 1992 Code Section 12-3-122; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

 **Division 2. Service.**

 **§ 15-6-91 REQUIRED SERVICE PROVIDERS.**

(A) Until September 30, 2012, the owner or other person in control of the following premises shall provide on-site recycling service under this article:

- (1) a business with 100 or more employees;
- (2) a building housing businesses with an aggregate of at least 100 employees, if the building owner or manager provides a single garbage collection service; and
- (3) a multi-family residential complex with more than 100 units.

(B) The owner or other person in control of the following premises shall provide on-site recycling service under this article:

- (1) effective October 1, 2012, for multi-family residential use that consists of more than 75 dwelling units;
- (2) effective October 1, 2013, for multi-family residential use that consists of more than 50 dwelling units;
- (3) effective October 1, 2014, for multi-family residential use that consists of more than 26 dwelling units;

(4) for multi-family residential use premises that consists of fewer than 26 dwelling units, on the date the city makes single stream recycling services available to the premises;

(5) effective October 1, 2012, for non- residential premises that consist of 100,000 or more square feet of floor area;

(6) effective October 1, 2013, for non- residential premises that consist of 75,000 to 99,999 square feet of floor area;

(7) effective October 1, 2014, for non- residential premises that consist of 50,000 to 74,999 square feet of floor area;

(8) effective October 1, 2015, for non- residential premises that consist of 26,000 to 49,999 square feet of floor area; and

(9) for non-residential premises that consist of fewer than 26,000 square feet of floor area, on the date the city makes single stream recycling services available to the premises.

(C) Except as otherwise provided in Section [15-6-91\(D\)](#) (*Required Service Providers*), the owner or other person in control of a premises may apply to the director to deduct any square footage of floor area at a premises attributable to a properly permitted restaurant use, food service establishment, food processing plant, certified farmers market, licensed food preparation facility, retail sales, manufacturing, or industrial use from the square footage calculation of Section [15-6-91\(B\)](#) (*Required Service Providers*) for the purposes of calculating compliance date under Section [15-6-91](#)(*Required Service Providers*) if the owner or other person in control of the premises submits an affidavit identifying the actual square footage of floor area at the location attributable to specified use with a valid certificate of occupancy or approved site plan documenting each use for which deduction is sought.

(D) Any square footage of floor area at a premises which is attributable to an office use shall not be deducted from the total square footage of floor area at a premises for the purposes of calculating compliance date under Section [15-6-91](#) (*Required Service Providers*).

(E) The owner or other person in control of a premises not currently or otherwise required to provide on-site recycling service under Section [15-6-91\(A\)](#) (*Required Service Providers*) shall not be required to provide on-site recycling service under this article to any square footage of the premises for which the director has approved a deduction from the calculations under Section [15-6-91\(C\)](#) (*Required Service Providers*).

Source: 1992 Code Section 12-3-141; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

§ 15-6-92 SERVICE DESCRIBED.

(A) A person required to provide recycling service under this article must:

(1) provide the service at least two times each month;

(2) collect at least two recyclable materials listed in rules adopted under this article before November 3, 2010, from a business or building to which (A)(1) and (A)(2) of Section [15-6-91](#) (*Required Service Providers*) apply;

(3) collect at least four recyclable materials listed in rules adopted under this article before November 3, 2010, from a multi-family residential complex to which Section [15-6-91](#)(A)(3) (*Required Service Providers*) applies; and

(4) collect at least the following materials from a premises to which Section [15-6-91](#)(B) (*Required Service Providers*) applies: paper, plastic resins PETE and HDPE, aluminum, cardboard, and glass;

(5) include recycling receptacles and recycling collection and storage areas that comply with applicable rules; and

(6) properly handle the recyclable material by:

(a) collecting and transporting the recyclable materials to a state-recognized materials recovery facility; or

(b) arranging for the collection and transport of the recyclable materials to a state-recognized materials recovery facility.

(B) A person required to provide service to a property under this article may provide the service personally or by contract with a recycling service provider that is listed on the City's recycling service provider registry. The director shall make available online at the City's website and by hard copy lists available at the offices of Solid Waste Services the names and contact information for all recycling service providers validly registered with the City.

(C) Not later than 365 days following the date when the City is able to make available to service providers single stream recycling processing, any person, entity, premises or location required to comply with the terms of this article will also be required to increase the types of minimum materials to be accepted for on-site recycling at the premises to include any plastic with resin identification code of PVC, PELD, PP, PS, or O; paper board; tin; and steel. The Department shall adopt rules which identify an alternative compliance process whereby a property owner or property manager can request approval from the director to substitute one of the mandatory materials accepted for another acceptable recyclable material.

Source: 1992 Code Section 12-3-142; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

§ 15-6-93 EDUCATION.

(A) An owner or other person required to provide recycling service to a premises must provide recycling information and instructions in accordance with rules adopted by the director to:

(1) all premises tenants and employees annually;

(2) a new employee or tenant no later than the seventh day after the tenant occupies or the employee begins work at the premises; and

(3) all employees or tenants not later than the 30th day after a change in the recycling service offered at the premises.

(B) An owner or other person required to provide recycling service to a premises must provide recycling information and instructions in accordance with rules adopted by the director to:

(1) each business, tenant, or organization located at the premises annually;

(2) a business, tenant, or organization newly located to the premises not later than the 30th day after any change in occupancy; and

(3) all occupancies at the premises not later than the 30th day after a change in the recycling service offered.

(C) Effective October 1, 2012, all information and documentation, including signage, required to be provided to persons or posted as public information under this article must be written in English and Spanish and include universal symbols as adopted by the director.

(D) Effective October 1, 2012, each container designated or used for collection and disposal of materials to a state-recognized landfill must be prominently marked "Landfill Trash" in English and Spanish language and in compliance with the rules adopted by the director.

(E) Effective October 1, 2012, each container designated or used for collection or transport of materials to a state-recognized materials recovery facility shall be affixed with a sign that includes:

(1) the universal chasing arrows recycling symbol;

(2) the type of materials accepted written in English and Spanish language; and

(3) the term "Recycling."

Source: 1992 Code Section 12-3-143; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

Division 3. Reporting Requirements.

§ 15-6-101 RECYCLING PLAN.

(A) A person required to provide recycling service under this article shall file a recycling plan with the department.

(B) A person shall file a recycling plan for a new business, building, or multi-family residential complex not later than the 14th day after beginning operations and not later than the 180th day following any change in recycling service or recycling provider for the premises for which compliance with this article is required.

(C) A plan must:

(1) be on a form prescribed by the director;

(2) list the materials to be recycled; and

(3) state whether the person will provide the service by self-hauling or by contract with a recycling service provider.

Source: 1992 Code Section 12-3-161; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

 **§ 15-6-102 BIANNUAL VOLUME REPORT.**

(A) A recycling service provider shall file a volume report twice each year that reflects service provided by the recycling service provider to any premises required to comply with this article. The recycling service provider shall file the volume report in compliance with the rules adopted by the director.

(B) A person who owns or manages a premises required to comply with this article shall file on behalf of each such premises a volume report twice each year that reflects any recycling service to any such premises provided by a person not registered with the City as a recycling service provider.

(C) A volume report must include:

(1) the volume and type of recyclable materials collected in the preceding reporting period as specified in rules adopted by the director, and

(2) other documentation required by the director.

Source: 1992 Code Section 12-3-162; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

 **§ 15-6-103 NOTICE OF CONTRACT TERMINATION.**

A person who provides recycling service under this article by contract with a recycling service provider shall notify the department in writing not later the 14th day after the person terminates the contract.

Source: 1992 Code Section 12-3-163; Ord. 031204-14; Ord. 031211-11.

 **§ 15-6-104 NOTICE OF CHANGE OF PROVIDER.**

(A) A person required to provide recycling service shall notify the department in writing if the person:

(1) discontinues self-hauling and contracts with a recycling service provider;

(2) terminates a contract with a provider licensed under [Article 3](#) (*Private Solid Waste Collection Service*) and enters a contract with a service provider that is not licensed under [Article 3](#) (*Private Solid Waste Collection Service*); or

(3) terminates a contract with a service provider that is not licensed under [Article 3](#) (*Private Solid Waste Collection Service*) and enters a contract with a service provider that is licensed under [Article 3](#) (*Private Solid Waste Collection Service*).

(B) A person shall file the notice required by this section with the department in accordance with rules adopted by the director and concurrently with their required reporting under Section [15-6-102](#) (*Biannual Volume Report*).

Source: 1992 Code Section 12-3-164; Ord. 031204-14; Ord. 031211-11; Ord. 20101104-018.

Division 4. Registration Requirements.

§ 15-6-105 REGISTRATION OF RECYCLING AND COMPOSTING HAULERS AND RECYCLING PROVIDERS.

(A) A person who owns, operates, or provides a recycling and composting hauler or recycling processor business or service located within the territorial jurisdiction of the City or to any premises within the territorial jurisdiction of the City shall submit to the director in compliance with applicable rules adopted for such registration the following:

- (1) physical address of operation;
- (2) proof of insurance - annual commercial fleet policy;
- (3) drivers' licenses for company drivers, including commercial drivers' licenses, if applicable;
- (4) proof that the recycling hauler or recycling processor is using the correct vehicle to transport recyclable materials consistent with Section [15-6-42](#) (*Vehicles and Equipment*); and
- (5) other documentation as specified in applicable rules for such registration adopted by the director.

(B) A person who owns, operates, or provides a recycling processor business agrees as a condition of such registration to submit to a random site inspection of their property or premises upon request by the director to ensure that the processor's operations are being conducted in compliance with all applicable City Codes and regulations relating to land development, health and safety, recycling, and nuisance abatement.

Source: Ord. 20101104-018.