

**Bold type** indicates new material to be added to the Broomfield Municipal Code ~~Strikethrough~~  
type indicates deletions from the Broomfield Municipal Code.

### **Ordinance No. 2242**

An ordinance amending certain sections of Title 8 Chapter 4 of the Broomfield Municipal Code  
to implement City contracted waste collection services

#### **Section 1. Recitals**

Whereas, the City and County of Broomfield ("Broomfield") is committed to protecting the environment;

Whereas, Broomfield desires to encourage waste reduction to further the City's waste diversion goals;

Whereas, the intent of this Ordinance is to: (1) reduce the volume of waste entering the waste stream and landfills, (2) encourage the recycling of certain discarded materials; (3) provide predictable collection service rates for residential community members, and (4) to protect the health, safety and welfare of the public.

Now, therefore, be it ordained by the City Council of the City and County of Broomfield, Colorado:

#### **Section 2.**

Chapter 8-04, Garbage, of the Broomfield Municipal Code is hereby amended to read as follows: 8-04-010- Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

(A) Garbage means and includes any and all rejected or waste household food, offal, swill, kitchen refuse, and every accumulation of refuse, animal, fish, fowl, fruit, or vegetable matter, liquid or otherwise.

**(B) Hauler means person or company that collects, transports or disposes residential refuse, rubbish, garbage, recyclable materials, trash and other discarded materials for another that is not merely incidental to the provision of other services for the customer, for a fee or for no fee, that is licensed by the city.**

**(C) Homeowners' association means any residential covenant-controlled community which includes a lawfully constituted and operational board or other similar entity which is empowered to enforce the community's recorded covenants and which has the power to impose assessments for its services which, if unpaid, may be made a lien on the property.**

~~(B)-(D)~~ **(D) Person** means and includes all natural persons, associations of natural persons, partnerships, firms, or corporations acting in their own behalf or in a fiduciary or representative capacity.

**(E) Recyclable Materials means those materials, goods and items deemed as single-stream recyclables by the city and county manager in the city contracted residential waste collection services agreement.**

**(F) Residential Refuse means any form of discarded material, junk, garbage, rubbish, trash, foreign substance, or debris intended for landfill disposal and recyclable materials taken by the city contracted residential refuse collection services hauler.**

**(G) Residential refuse collection services means the collection and transportation of residential refuse by the city contracted residential refuse collection services hauler from sources not otherwise exempt as provided in B.M.C. 8-04-026(C).**

~~(C)~~ **(H) Rubbish means and includes debris of all kinds, all accumulations of waste, refuse, and rejected animal, mineral, or vegetable matter, except garbage and manure.**

~~(D)~~ **(I) Trash means and includes ashes, waste paper, cans, bottles, broken glass and china, sawdust, leaves, weed and grass cuttings, shrubbery and tree trimmings, shavings, and packing material not including garbage, manure, or debris.**

**8-04-020- Trash or garbage; deposit prohibited; receptacle required.**

**(A) It is unlawful to deposit or cause to be deposited in any street, public or private alley, vacant lot, or upon any premises within the city, any trash, rubbish, garbage, debris, manure, or any filthy, nauseous, or offensive matter of any kind.**

**(B) It is unlawful to deposit or cause to be deposited any **residential refuse**, trash, rubbish, garbage, or other material in a private, business, or commercial trash or garbage receptacle or container without the consent of the owner.**

**(C) The owner, occupant, tenant, or person in possession of each building or structure shall provide for a **residential refuse (as applicable)**, trash, rubbish, or garbage container or receptacle, and shall cause all trash, rubbish, **residential refuse (as applicable)** and garbage to be deposited and contained in such container or receptacle**

**8-04-025- City residential refuse collection services.**

**A. The city's contracted residential refuse collection service hauler shall furnish residential refuse collection services as provided in this section and pursuant to the terms of the city's agreement with the licensed hauler to all residents within the city except those sources specifically excluded pursuant to B.M.C. 8-04-026. Single-stream recycling containers, for those persons subject to the city's contracted residential refuse collection services program, shall be provided by the city contracted hauler. Such containers shall be used only for collection of materials deemed recyclable materials.**

**B. Residents using the city's contracted residential collection services hauler shall separate their recyclable materials from other discarded materials as directed by the city contracted hauler in the provided containers. Containers shall be placed in the street in front of the residence or alley adjacent to each residence on a schedule established by the city and communicated by the city contracted hauler.**

**C. Bulk refuse material not collected as part of the city's collection services, as designated by the city, shall be removed by arrangement with the city's residential refuse collection services hauler, another city licensed hauler, or the resident in accordance with B.M.C. 8-04-027. Neither the city, nor its contractors or licensed haulers shall have any obligation to collect or transport any refuse not in a proper container or any containers not properly placed for collection.**

**8-04-026- Premises excluded from residential refuse collection services.**

Except as otherwise provided in this chapter, the city shall not provide residential refuse collection services to the following sources:

- A. All commercial or industrial establishments;**
- B. Multi-unit residences containing eight (8) or more units; and**
- C. Residents within homeowners' associations that provide curbside trash, garbage, debris, discarded material and recyclable materials collection services through a group account. Homeowners' associations must maintain an active waste contract and proof of an active contract must be provided to the city if requested, including a list of addresses covered by the group account. If the homeowners' association terminates such waste collection services to its residents, the homeowners' association shall provide written notice of termination to the city within 30 days.**

**8-04-027- Refuse, recycling and compostable materials hauling.**

Nothing in this chapter shall prohibit any person from contracting for or hauling their own refuse, recyclable and compostable materials provided such refuse and materials are collected and disposed of in conformity with all applicable city rules and regulations.

**8-04-028- Residential refuse collection services fees.**

**A. City council shall enter into a contract for residential refuse collection services with a licensed hauler which agreement shall establish the fees to be imposed for such services. If a residential refuse collection services customer elects to not use the services provided by the city's contracted waste hauler and is not otherwise exempt, such customer shall pay to the city the minimum level of solid waste service which fee shall be set and shall increase as otherwise provided for by the city's residential refuse collection services contract. The fees may be combined into one fee and shall be imposed on all city residents except those excluded from this chapter pursuant to B.M.C. 8-4-026. The fees shall be billed either by the city contracted hauler directly or in conjunction with the charge for city water and sewer services of the minimum service fee for those parties opting out of the city contracted residential refuse hauler's services and not excluded pursuant to B.M.C. 8-4-026.**

**B. The fees for waste services and the charge for city utility services are hereby declared to be parts of one debt to the city insofar as the same relate to any one resident, and the refusal or failure to pay any part of such debt for any period of service shall be sufficient cause for the city to avail itself of any or all remedies as set forth and in accordance with the provisions of Chapter 13-12 of the Broomfield Municipal Code; except that water service shall not be disconnected for non-payment of the residential refuse collection minimum service fees nor shall a lien be put upon the property.**

**8-04-030- License; required; application.**

(A) No person shall engage in the business of collecting trash, rubbish, or garbage within the city without first making application to the city clerk for a license. Each application shall contain the following information:

- (1) Name, address, and phone number;
- (2) Doing business as;
- ~~(3) Public Utility Commission permit number;~~
- ~~(4)~~ (3) Number and description (weight, model, type, capacity, etc.) of vehicles used;
- ~~(5)~~ (4) Number of employees;
- ~~(6)~~ (5) References and Experience;
- ~~(7)~~ (6) Site of disposal of trash and waste material; and
- ~~(8)~~ (7) Applicant shall submit rate schedule with application and shall advise the city of any change in rates within thirty days after making such changes.

~~(B) Before there are any negotiations for a garbage collection license, the applicant must first obtain authority from the public utilities commission to operate such business within the corporate limits of the city.~~

8-04-040- License; fee. Upon approval of a garbage collection application, the city clerk shall issue the license upon the payment of a fee in the sum of \$150.00 per year, and \$1.00 per sticker. ~~The clerk shall issue a receipt together with stickers to be placed on the vehicles in a clearly legible location. Stickers shall not be transferable.~~ The licensees operating under this chapter shall pay the tax separately to the city clerk on or before August 1st of each year. All licenses issued pursuant to this chapter shall expire on the thirty-first of July of each year succeeding issuance, unless sooner revoked by the city council.

### **Section 3.**

This ordinance is only effective if city council approves a contracted residential waste collection agreement with a licensed hauler on or before July 31, 2025. The ordinance will only be published after the contracted residential waste collection agreement is approved by City Council. The effective date of the ordinance will be seven days after publication of final passage. If a contracted residential waste collection agreement with a licensed hauler is not approved on or before July 31, 2025, then this ordinance shall fail, will not be published in full, and will be of no force or effect.

Introduced and approved after first reading on August 13, 2024, and ordered published in full.

Introduced a second time and approved on September 10, 2024, and ordered published upon approval of a contracted residential waste collection agreement with a licensed hauler on or before July 31, 2025.

THE CITY AND COUNTY OF  
BROOMFIELD, COLORADO  
/s/ Guyleen Castriotta  
Mayor

ATTEST:  
/s/Crystal Clemens  
City and County Clerk

APPROVED AS TO FORM:  
/s/ Nancy Rodgers  
City & County Attorney