

Be it enacted by the City and County of Denver,

Chapter 48 of the D.R.M.C. is amended by the addition of a new Article X to read as follows:

ARTICLE X. – RECYCLING AND COMPOSTING

Sec. 48-130. – Responsible Party.

- (a) With the exception of Subsection (b), a responsible party shall comply with any duty that is imposed on the responsible party in this Article X.
- (b) A tenant or lessee on a premise who contracts or arranges with a hauler for solid waste service or who self-hauls is deemed the responsible party with respect to that portion of the premises over which the tenant or lessee has care, custody, control, or possession.

Sec. 48-131. – Right of Entry.

- (a) City staff authorized by the Department of Transportation and Infrastructure may enter a premise 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 responsible party and request entry to the premises.

Sec. 48-132. – Affected Premise.

- (a) The responsible party for a premise of which all or part is used for multi-family residential use shall ensure that tenants and employees have access to on-site recycling and composting services described under this article, for that portion of the premises that is multi-family residential, effective:
 - (1) June 1, 2022 for premises with 75 or more dwelling units;
 - (2) June 1, 2023 for premises with 25 or more but less than 75 dwelling units; and
 - (3) June 1, 2024 for premises with 8 or more but less than 25 dwelling units;
- (b) The responsible party for a premise of which all or part is used for non-residential use shall ensure that tenants and employees have access to on-site recycling services described under this article effective:
 - (1) June 1, 2023 for premises with more than 25,000 square feet of any type of non-residential use;
 - (2) June 1, 2024 for premises with more than 5,000 square feet and up to 25,000 square feet of any type of non-residential use; and
 - (3) June 1, 2025 for all non-residential premises that are not described in (b) of this subsection.
- (c) The requirements in Subsection (d) of this section are in addition to the requirements in Subsections (a) and (b) of this section.
- (d) In addition to complying with the other requirements described in this section, The Department of Transportation and Infrastructure, through rules and regulations, shall create a list of affected premises for Compostable Waste Producers that should include, but not be limited to:
 - (1) Grocery stores
 - (2) Food wholesalers, distributors, and manufacturers
 - (3) Food Trucks
 - (4) Hotels
 - (5) Hospitals
 - (6) Sports venues
 - (7) Event centers
 - (8) Caterers
 - (9) Nursing and residential care facilities

- (10) Office buildings with dining services
 - (11) Farmers markets
 - (12) Food shelves and food banks
 - (13) Colleges and universities with dining services
 - (14) Shopping centers
 - (15) Airports
 - (16) Golf clubs and country clubs
 - (17) Rental kitchens or shared use commercial kitchens
- (e) Compostable Waste Producers shall ensure that employees, contractors, and customers have access to on site composting effective:
- (1) June 1, 2023 where the square footage in a certificate of occupancy, food license, or similar document issued by a government entity for the business or industry is 15,000 square feet or more;
 - (2) June 1, 2024 where the square footage in a certificate of occupancy, food license, or similar document issued by a government entity for the business or industry is between 5,000 square feet to 14,999 square feet; and
 - (3) June 1, 2025 for all Compostable Waste Producers that and that are not described in (e) of this subsection.
- (f) For purposes of determining the effective date under this section the Department of Transportation and Infrastructure may verify the square footage attributable to a specific use by consulting appraisal district or other public records or by requesting a valid certificate of occupancy or approved site plan documenting the types of uses.
- (g) A responsible party for an affected premise to which an effective date in Subsections (a), (b), (c), (d), and/or (e) of this section applies and who begins operations after an applicable effective date shall comply with this ordinance on the date the affected premise is issued a certificate of occupancy.
- (h) If the responsible party provides janitorial services to its business tenants, the contract for janitorial services shall include recycling and composting services that meet the requirements listed above and support the collection system for recyclable and compostable materials.

Sec. 48-133. Diversion Requirements for Affected Premises.

- (a) On-site recycling and compost diversion services required under this article shall:
- (1) For recycling, collect at least the following materials: paper (including mixed paper and office paper, but not shredded paper), plastic bottles and containers, aluminum cans, corrugated cardboard, cartons, and glass bottles and jars;
 - (2) For composting, collect organic materials;
 - (3) Provide receptacles, collection, capacity, and storage areas that comply with applicable administrative rules; and
 - (4) Provide recycling and composting information and instructions that comply with applicable administrative rules; and
 - (5) Remove recyclables, compost, or recovered food by either:
 - i. transporting the recyclables, compost, or recovered food to a materials recovery, composting facility, or food bank authorized by law;

- ii. contracting with a service provider to transport the recyclables and compost to a materials recovery or composting facility authorized by law; or
 - iii. transporting recyclables, compost, or recovered food as permitted and required by City Code, to a material recovery facility, food bank, compost processor or drop-off facility, urban farm, community garden, designated transfer station for recyclables or compost, or similar as set out in Subsection (d) of this section.
- (b) The Department of Transportation and Infrastructure may add to the list of recyclable materials required under Subsection (a)(1) of Sec. 48-133 by providing notice on the City's website at least 120 continuous days before adding the additional materials.
- (c) The department shall adopt rules that establish a process in which the responsible party for an affected premise can request:
 - (1) a one-year exemption from the requirements based on rules and conditions established by the Department of Transportation and Infrastructure, including but not limited to economic hardship, de minimus volumes of materials, self-hauling of materials, and space constraints. The responsible party may re-apply for one additional exemption at the expiration of the initial exemption period.
 - (2) approval to comply with this article through alternative means such as food donation, animal feed or other innovative processes;
 - (3) approval to substitute another recyclable material in place of a required recyclable material listed in Subsection (a)(1) above;
 - (4) approval to comply with this article by sharing solid waste, recycling, or composting diversion services;
 - (5) approval of a deduction of square footage under Subsection (e) of Sec. 48-132 if the food enterprise serves only pre-packaged food; or
 - (6) approval for performing recycling or compost diversion on-site.
- (d) Owners or operators of Retail Food Mobile Licenses (Food Truck or Food Cart) that provide single use food ware must supply adequate collection containers for the appropriate source separation of recyclables, compostables and trash as determined by the type of food service ware distributed by vendors., placed near a main exit, unless that food vendor does not use single use food ware for on-site consumption and serves minimal to go orders per day, but not including any to go orders delivered to residents by a delivery service
- (e) Multiple Retail Food Mobile (Food Truck or Food Cart) License holders that provide single use food service ware and share a common eating area may share an appropriate number, size, and placement of containers for recyclables, compost material, and trash for convenient use by customers or visitors.
- (f) Owners or operators of Retail Food Mobile Licenses (Food Truck or Food Cart) and events must not put any fats, oils, or grease in trash collection containers and must have adequate fat, oil, and grease collection.

Sec. 48-134. Education.

- (a) The responsible party for an affected premise shall provide recycling and composting (where applicable) information and instructions in accordance with rules adopted by the Department of Transportation and Infrastructure to:
 - (1) all tenants and employees of the premises annually;
 - (2) a new employee or tenant no later than the 30th 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 substantive change in the recycling service offered at the premises.

- (b) The responsible party shall provide recycling and composting (where applicable) information and instructions in accordance with rules adopted by the Department of Transportation and Infrastructure 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) All information and documentation, including signage, required to be provided to persons or posted as public information under this article shall be written in English, Spanish, or picture-only, and include universal symbols as adopted by the Department of Transportation and Infrastructure.
- (d) Each container designated or used for collection and disposal of materials to a state-recognized landfill shall be prominently marked "Landfill Trash" in English, Spanish, or picture-only and in compliance with the rules adopted by the Department of Transportation and Infrastructure.
- (e) Each container designated or used for collection or transport of recyclables or compost shall be affixed with a sign that includes:
 - (1) the universal chasing arrows recycling symbol;
 - (2) the type of materials accepted written in English, Spanish, or picture-only; and
 - (3) the term "Recycling" or "Compostables" or "Organics", as appropriate

Sec. 48-135. Annual Diversion Plan.

- (a) The responsible party for an affected premise shall submit a recycling plan to the department by February 1 of each year starting with the year in which requirements of this article apply to the premises.
- (b) The responsible party for an affected premise shall submit a recycling plan for a new business, building, or multi-family residential complex not later than the 30th day after receiving a certificate of occupancy or beginning operations or following any change that reduces recycling service or the types of materials collected.
- (c) A plan must:
 - (1) be on a form prescribed by the Department of Transportation and Infrastructure;
 - (2) include information or documentation as required by the Department of Transportation and Infrastructure to verify compliance with this article.

Sec. 48-136. – Notice of Contract Termination.

A person who provides recycling or compost diversion service under this article by contract with a recycling service provider shall notify the department in writing not later than the 30th day after the person terminates the contract.

Sec. 48-137. – Notice of Change of Provider.

- (a) The responsible party for an affected premise shall notify the department in writing if the person:
 - (1) discontinues self-hauling and contracts with a recycling or compost diversion service provider; or
 - (2) terminates a contract with a provider.
- (b) A responsible party shall submit the notice required by this section to the department in accordance with rules adopted by the Department of Transportation and Infrastructure.

Sec. 48-138. – Special Event Requirements for Recyclables and Compostables Collection.

- (a) Owners or operators of permitted events must provide recycling and composting collection to their employees, contractors, and customers, effective June 1, 2023..
- (b) Owners or operators of permitted events must supply appropriate containers, placed in appropriate locations, to make source separation of recyclables, compost material, and trash convenient for the employees, contractors, and customers of permitted events. The containers must:
 - (1) be of appropriate number and size in light of the recyclables, compost material, and trash quantities reasonably anticipated to be generated at the location;
 - (2) display appropriate signage in English, Spanish, or picture-only, be color coded to identify the type of refuse to be deposited, and meet any additional design criteria established by the Department by regulation; and,
 - (3) be placed as close together as possible to provide equally convenient access to users.
- (c) Requirements may be waived for events providing reusable food ware or generating de minimus volumes, subject to approval of event permit.
- (d) Special event permit applications shall be updated to include, but not limited to, a waste management plan, and staff and volunteer training.

Sec. 48-139. Construction and Demolition Requirements for Recyclables Collection

- (a) All construction and demolition activities subject to city permit should separate and recycle, at a minimum, all readily-recyclable concrete, asphalt, clean wood, scrap metal and corrugated cardboard. Other materials may be added to this list by the Department of Transportation and Infrastructure as recycling opportunities expand, effective June 1, 2023.
- (b) The Department of Transportation and Infrastructure shall establish penalties and fines for noncompliance based on the square footage of the project. Penalties may include loss of license.
- (c) All parties seeking a demolition permit must have a recycling and reuse plan approved by the Department of Transportation and Infrastructure prior to the issuance of the demolition permit.