

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2025

COUNCIL BILL NO. CB 25-xxxx
COMMITTEE OF REFERENCE:

4 **Business, Arts, Workforce, Climate, and Aviation Services**

5
6 **A BILL**

7 **For an ordinance concerning recycling and organic material diversion and, in**
8 **connection therewith, repealing and re-enacting article X, chapter 48, adding a**
9 **new article XI, chapter 48, adding a new article XV, chapter 10, and amending**
10 **article I, chapter 24, of the Code.**

11
12 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

13
14 **Section 1.** That chapter 10, article XV is hereby added to read as follows:

15
16 **ARTICLE XV. RECYCLING AND REUSE OF CONSTRUCTION AND DEMOLITION**
17 **MATERIALS**

18 **Sec. 10-412 – Purpose.**

19 The purpose of this section is to outline the requirements for construction, demolition
20 recycling, and reuse requirements to divert as many materials as possible from the landfill to
21 be reused or recycled.

22 **Sec. 10-413. – Definitions.**

23 Except as otherwise provided in this article, the following words and phrases have the
24 following meanings:

25 (1) *Building official* means the person authorized to act on behalf of the building
26 permitting and inspections services agency (agency) in the interpretation and enforcement of
27 the Denver Building Code and appointed by the executive director of community planning and
28 development.

29 (2) *Contractor* means the person issued a demolition permit, a residential construction
30 permit, or a commercial construction permit, which could include a homeowner or tenant if
31 expressly allowed by the building official.

32 (3) *Covered material* means the following material resulting from the construction,
33 remodeling, repair, and demolition of utilities, structures, and buildings: concrete, asphalt,
34 masonry, untreated wood, metal, or corrugated cardboard. Covered material also includes items

1 that can be reused, as defined herein. The executive director of community planning and
2 development is authorized to promulgate rules establishing additional covered materials.

3 (4) *Gross Floor Area* means the floor area within the outside perimeter of the exterior
4 walls of the building. The floor area of a building, or portion thereof, not provided with
5 surrounding exterior walls shall be the usable area under the horizontal projection of the roof or
6 floor above. The floor area of a tenant space shall be measured to the middle of interior walls.

7 (5) *Qualifying project* means any construction, demolition, addition, alteration,
8 remodel, or tenant improvement project that requires a demolition permit or a residential or
9 commercial construction permit.

10 (6) *Recycle* means to collect, sort, cleanse, treat, and reconstitute construction and
11 demolition debris that would otherwise become solid waste and return the materials to the market
12 in the form of raw material for new, reused, or reconstituted products which meet the quality
13 standards necessary to be used in the marketplace.

14 (7) *Reuse* means to recover or reapply construction or demolition debris for uses
15 similar or identical to its originally intended application, without manufacturing or preparation
16 processes that significantly alters the material. The executive director of community planning
17 and development is authorized to promulgate rules which may establish volumetric weight
18 conversions for common reuse items.

19 (8) *Total demolition* means the complete removal of a structure that requires a
20 demolition permit from the agency.

21 **Sec. 10-414. – Recycle and reuse requirements.**

22 (a) *In general.* For permit applications submitted on or after April 1, 2026, the
23 contractor for a qualifying project must divert at least fifty (50) percent of the total amount by
24 weight of construction and/or demolition debris produced on the site of a qualifying project by
25 recycling, reusing, or recycling and reusing, at minimum three of the covered materials. For
26 permit applications submitted on or after April 1, 2036, the contractor for a qualifying project
27 must divert at least sixty-five (65) percent of the total amount of weight of construction and/or
28 demolition debris produced on site of a qualifying project by recycling, reusing, or recycling and
29 reusing, at a minimum three of the covered materials.

30 (b) *Prohibited materials.* The total amount of construction and demolition debris does
31 not include material containing asbestos or lead, or material that is considered hazardous as
32 defined either by the Environmental Protection Agency, the Colorado Department of Public
33 Health and Environment, or Denver department of public health and environment.

1 (c) *Demolition and construction.* When work at a location determined to be a
2 Qualifying project includes both total demolition and construction, the total demolition portion of
3 the work is considered one qualifying project, and the construction portion of the work is
4 considered another separate qualifying project. A qualifying project in an existing building which
5 includes interior demolition and construction shall be treated as one qualifying project.

6 (d) *Application to modify or reduce recycling and reuse requirements.* If a contractor
7 believes it cannot meet the requirements of this article due to site-specific conditions or material
8 recyclability present in a qualifying project, the contractor may apply to reduce or modify the
9 recycling and reuse requirements when submitting their construction and/or demolition
10 application to the building official. The building official shall have the sole authority and discretion
11 to award or deny modifications to this article. The executive director is authorized to promulgate
12 rules and regulations which may establish additional requirements for contractors to prove that
13 compliance with this article is impossible, impractical, or otherwise overly burdensome.

14 (1) *Achievable diversion rate.* If the building official approves modifying or reducing
15 the fifty (50) percent diversion rate requirement for a specific qualifying project, the building
16 official shall provide the contractor with an alternative achievable diversion rate. When an
17 alternative achievable diversion rate is awarded, such rate shall be the amount required for that
18 specific project in order for the project to be eligible for a full refund of the security deposit
19 described in section 10-416. The contractor shall not be entitled to a partial refund pursuant to
20 section 10-417 of this article.

21 (2) *Minimum covered materials requirement.* If the building official approves modifying
22 or reducing the three covered materials requirement for a specific qualifying project, the building
23 official will set a new minimum covered materials requirement for that specific project to be
24 eligible for a full refund of the security deposit described in section 10-416. The contractor will
25 not be entitled to a partial refund pursuant to section 10-417 of this article.

26 **Sec. 10-415. – Exemptions.**

27 (a) The following projects are exempt from the recycling and reuse requirements set forth
28 in section 10-414:

29 (1) The construction or demolition of a building five hundred (500) square feet or less
30 in gross floor area.

31 (2) The interior improvement, repair, remodeling, tenant finish, or any other interior
32 modification where the area of modification totals no more than two thousand five hundred
33 (2,500) square feet of gross floor area.

1 (3) Construction that does not require or have an associated demolition, residential
2 construction, or commercial construction permit.

3 (4) The construction or demolition of a building due to an emergency order from the
4 city.

5 (5) A residential or commercial construction permit where no construction is required
6 and is only issued to document a change in occupancy.

7 (b) The executive director of community planning and development may adjust these
8 exemptions, based on market conditions and the availability and cost of recycling services,
9 through an update to the rules and regulations promulgated under authority of this article.

10 **Sec. 10-416. – Waste diversion plan and performance security deposit.**

11 (a) In order to be issued a permit for a qualifying project, a contractor must submit a
12 waste diversion plan as required by the building official.

13 (b) On or after April 1, 2026, prior to issuance of a demolition permit, a residential
14 construction permit, or a commercial construction permit for a qualifying project a contractor shall
15 submit a performance security deposit based on construction type and square footage in
16 accordance with and subject to the maximum limits identified in Table 1 – Performance Security
17 Deposit. The manager of community planning and development is authorized to adjust the
18 amounts in Table 1, provided that any such adjustment shall be adopted in rules and regulations
19 promulgated by the manager, and no adjustment may occur within one (1) year of the prior
20 adjustment.

21

| Scope of Work | Amount required | Maximum amount of the performance security deposit |
|--|------------------------|---|
| New construction of 501 – 2,500 square feet | \$0.50/square foot | \$1,250 |
| New construction more than 2,500 square feet | \$1.00/square foot | \$200,000 |
| Demolition of a structure 501 – 2,500 square feet | \$0.50/square foot | \$1,250 |
| Demolition of a structure more than 2,500 square feet | \$1.00/square foot | \$200,000 |
| Existing building renovation/tenant finish more than 2,500 square feet | \$1.00/square foot | \$100,000 |

22

23

Table 1 - Performance Security Deposit

1 (c) Prior to the issuance of a demolition, residential construction, or commercial
2 construction permit for a qualifying project, a contractor may request from the building official a
3 reduction or exemption from the performance security deposit due to an economic hardship if
4 the amount of the performance security deposit exceeds ten (10) percent of the valuation of the
5 project. The building official shall have the sole discretion to reduce the amount of the
6 performance security deposit.

7 **Sec. 10-417. – Compliance documentation and refunding of performance security deposit.**

8 (a) No later than sixty (60) days from the date of the final inspection of a qualifying
9 project, the contractor shall submit documentation to the agency showing compliance with
10 section 10-414 in a manner established by the building official.

11 (b) The contractor shall include original weight receipts or other itemized waste
12 documentation as adopted through rules and regulations, showing the types and amounts of
13 covered materials recycled or reused, and total amount of construction and demolition debris,
14 by weight.

15 (c) A contractor shall include the cubic yards for covered materials recycled or reused
16 when that material cannot be weighed due to size, lack of scales at a facility, or other
17 considerations.

18 (d) *Deposit Refund Amount Determination*

19 (1) If a contractor complies with the recycle and reuse requirements set forth in section
20 10-414, then the building official shall authorize a refund of one hundred (100) percent of the
21 performance security deposit to the contractor.

22 (2) Subject to other limitations of this article, if a contractor recycles, reuses, or
23 recycles and reuses between forty (40) percent and forty-nine and nine-tenths (49.9) percent of
24 the construction and/or demolition debris produced on the site of a qualifying project, then the
25 building official shall authorize the refund of seventy-five (75) percent of the performance security
26 deposit.

27 (3) Subject to other limitations in this article, if a contractor recycles, reuses, or
28 recycles and reuses between thirty (30) percent and thirty-nine and nine-tenths (39.9) percent
29 of the construction and/or demolition debris produced on the site of a qualifying project, then the
30 building official shall authorize the refund of fifty (50) percent of the performance security deposit.

31 (4) There shall be no refund of any percentage of the performance security deposit to
32 a contractor that recycles, reuses, or recycles and reuses less than thirty (30) percent of the
33 construction and/or demolition debris produced on the site of a qualifying project.

| Compliance Percentage Amount | Diversion Percentage Amount | Deposit Refund Percentage Amount |
|-------------------------------------|------------------------------------|---|
| 100% Compliance | 50% or more | 100% |
| 80% - 99% Compliance | 40% - 49.9% | 75% |
| 60% - 79% | 30% - 39.9% | 50% |
| Less than 60% | Less than 30% | 0% |

2

3

Table 2 - Deposit Refund Amount Determination

4

(e) Performance security deposit amounts that are forfeited by the contractor due to partial compliance or non-compliance shall be transferred to the general fund

6

(f) *Trust Fund*

7

(1) There shall be one or more trust funds established to administer the performance security deposit amounts (collectively, "security deposit funds") received by the city pursuant to this article.

10

a. Revenue for projects complying with section 10-417(d) shall be returned to the contractor in accordance with subsection (d), above; or

12

b. Revenue generated from forfeited security deposits shall be treated as a fine transferred from a trust fund to the general fund.

14

(2) The manager of community planning and development shall manage the security deposit funds.

16

Sec. 10-418. – Administrative fee.

17

The building official is authorized to impose an administrative fee in the amount of one hundred and five dollars (\$105.00) per application for the issuance of a permit to a qualifying project. The building official may adjust the fee annually in an amount equal to the percentage change from the previous calendar year in the United States Department of Labor (Bureau of Labor Statistics) consumer price index for Denver-Aurora-Lakewood, all items, all urban consumers, or its successor index. Any such adjustment, if made in the sole discretion of the building official, shall take effect on July 1, 2027, and annually thereafter. The building official shall issue a publicly available fee schedule reflecting the change prior to any such adjustment taking effect. The annual inflation adjustment shall apply to and be collected in conjunction with the issuance of any demolition, residential construction, or commercial construction permit on or after July of the year in which the adjustment is made, regardless of when the application for the permit was made.

27

1 **Sec. 10-419. – Enforcement.**

2 It shall be unlawful for a contractor to violate any requirement of this article. In addition to any
3 other penalty authorized under the Code, any contractor that violates the requirements of this article
4 shall be subject to the disciplinary actions and penalties set forth in section 10-420 of this article.

5 **Sec. 10-420. – Disciplinary actions and penalties.**

6 (a) *Notice.* The building official may issue notices for violations of this article. The building
7 official shall serve any notice of violation by personal service or first-class mail addressed to the last
8 known address of a contractor, or contained in the records of any municipal, state, or federal agency,
9 including, but not limited to, the Colorado Secretary of State. The notice is deemed served on the
10 date of receipt by the contractor if personally served or upon the date of mailing.

11 (b) *Disciplinary actions.* In addition to the grounds provided in chapter 32 of this code and
12 in the Denver Building Code, a contractor’s license or registration may be suspended or revoked in
13 the following manner:

14 (1) A suspension of up to three (3) months after four (4) violations of section 10-414 of
15 within a consecutive one (1) year period;

16 (2) Additional suspensions of up to three (3) years or revocations of up to five (5) years
17 may be administered in accordance with section 127 of the Denver Building Code.

18 **Sec. 10-421. – Appeals.**

19 Except for appeals of license or registration suspensions or revocations that must follow the
20 process set forth in the Denver Building Code, and notwithstanding the provisions in section 2-286,
21 any determination of the building official related to this article is reviewable by the board of appeals
22 in accordance with its procedures for administrative review as set forth in the Denver Building Code.
23 Any person may petition the board of appeals for a hearing concerning the determination of a
24 violation pursuant to this article. Such petition must be submitted in writing to the board of appeals
25 for a hearing no later than thirty (30) days after notice of any such determination. Compliance with
26 the provisions of this section is a jurisdictional prerequisite to appeal any determination made by the
27 building official pursuant to this article, and failure to comply bars any such appeal. Appeals to the
28 building official from any notice stays all administrative enforcement proceedings. Following a
29 hearing, if any, the board of appeals shall make a final determination, which may be reviewed
30 pursuant to the Colorado Rules of Civil Procedure.

31 **Sec. 10-422. – Rules and regulations**

32 The executive director of community planning and development may adopt such reasonable
33 rules and regulations as may be necessary for the purpose of administering and enforcing the

1 provisions of this article and any other ordinances or laws relating to recycling and reuse of
2 construction and demolition materials.

3 **Sec. 10-423 – Reporting.**

4 No more frequently than every three (3) years and no less frequently than every five (5) years
5 thereafter, the executive director of community planning and development shall provide a written
6 report to city council on the subject of this article which shall include, but is not limited to, deposit
7 amounts, compliance rates, market conditions, and other factors pertaining to this article.

8
9 **Section 2.** That chapter 24, article 1, division 1 is hereby amended by adding the language
10 underlined to read as follows:

11
12 **Sec. 24-2. - Variance on appeal.**

13 The board of public health and environment may authorize, upon appeal in specific cases, such
14 variances from the terms of any ordinance enforced by the department of public health and
15 environment or any rules and regulations adopted pursuant thereto, subject to terms and conditions
16 fixed by the board, as will not adversely affect public health where, owing to exceptional and
17 extraordinary circumstances, literal enforcement of the applicable provision will result in unnecessary
18 hardship. The burden of proof is upon the applicant to show by clear and convincing evidence that:

- 19 (1) The applicant will suffer undue hardship if the variance is not granted; and
- 20 (2) The variance will be in harmony with the spirit and purposes of the applicable portions
21 of the Code from which the variance is being requested.

22 The board shall not have such authority regarding the requirements of article X of chapter 48.

23
24 **Section 3.** That chapter 48, article X, is hereby repealed and re-enacted to read as follows:

25
26 **ARTICLE X. – RECYCLING AND ORGANIC MATERIAL DIVERSION FOR MULTI-FAMILY AND**
27 **NON-RESIDENTIAL BUILDINGS AND FOOD HANDLER BUSINESSES**

28 **Sec. 48-130. – Multi-family residential premises requirements.**

29 (a) For purposes of this article, the term “multi-family residential premises” means any
30 building, or part thereof, that is, as defined in the Denver Zoning Code, a “Dwelling, Multi-Unit” use
31 type with eight or more dwelling units; a “Manufactured Home Community”; or a “Congregate Living”
32 use type. Multi-family residential premises do not include “Residential Care” use types under the
33 Denver Zoning Code.

1 (b) The responsible party for a multi-family residential premises shall be the building
2 owner. However, if the building, or a part thereof, is licensed as a residential rental property under
3 chapter 27, a boarding home or personal care boarding home under chapter 26, or a trailer park
4 under chapter 35, the responsible party for such property or part thereof shall be the license holder.
5 If the property is a condominium or cooperative, each as defined in the Colorado Common Interest
6 Ownership Act, C.R.S. § 38-33.3-101 *et seq.*, as amended, the responsible party shall be the
7 Association, as defined in the act. In all cases, the responsible party shall also include any entity or
8 person acting as an agent for, or in any other legal capacity on behalf of, the building owner, license
9 holder, or Association, with respect to the premises, including, without limitation, a property manager.

10 (c) On or after April 1, 2026, the responsible party for a multi-family residential premises
11 shall ensure that tenants, residents, employees, and contractors have access to on-site recycling
12 and organic material diversion described under this article.

13 **Sec. 48-131. – Non-residential premises requirements.**

14 (a) For purposes of this article, the term “non-residential premises” means any building, or
15 part thereof, not used for residential purposes, as well as any “Residential Care” use types under
16 the Denver Zoning Code. Non-residential premises does not include parking garages, parking
17 structures, parking lots, vehicle depots, vacant lots, condemned properties, undeveloped land, or
18 other non-residential building use-types that are found to generate de minimis volumes of recyclable
19 materials, as identified in rules and regulations promulgated by any department, office, or board
20 identified in section 48-136.

21 (b) The responsible party for a non-residential premises shall be the building owner. If the
22 property is a Condominium or Cooperative, each as defined in the Colorado Common Interest
23 Ownership Act, C.R.S. § 38-33.3-101 *et seq.*, as amended, the responsible party shall be the
24 Association, as defined in the act. In all cases, the responsible party shall also include any entity or
25 person acting as an agent for, or in any other legal capacity on behalf of, the building owner or
26 Association with respect to the premises, including, without limitation, a property manager.

27 (c) On or after April 1, 2026, the responsible party for a non-residential premises shall
28 ensure that tenants, customers, employees, and contractors have access to on-site recycling
29 services described under this article.

30 **Sec. 48-132. – Food waste producer requirements.**

31 (a) For the purposes of this article, the term “food waste producer” means a commissary;
32 food processing, wholesale, and warehouse establishment; or retail food establishment; as those
33 terms are defined in chapter 23. Food waste producer does not include mobile retail food

1 establishments, pushcarts, food peddlers, or temporary retail food establishments, all as defined in
2 chapter 23, food shelves, or food banks.

3 (b) The responsible party for a food waste producer shall be the holder of the license under
4 chapter 23 for the commissary; food processing, wholesale, and warehouse establishment; or retail
5 food establishment. In addition, for any area over which the license holder does not have exclusive
6 use, the responsible party shall also include the building owner and any entity or person acting as
7 an agent for, or in any other legal capacity on behalf of, the license holder or building owner with
8 respect to the premises, including, without limitation, a property manager.

9 (c) On or after April 1, 2026, the responsible party for a food waste producer shall ensure
10 that employees, contractors, and customers have access to on-site recycling described in this article.

11 (d) On or after April 1, 2026, the responsible party for a food waste producer shall ensure
12 that employees and contractors have access to on-site organic material diversion described under
13 this article.

14 (e) Any department, office, or board identified in section 48-136 may adopt rules and
15 regulations to require responsible parties for food waste producers to ensure that customers also
16 have access to on-site organic material diversion when the ability to reduce or address contamination
17 from non-organic waste is improved.

18 (f) In addition to any exemptions pursuant to section 48-133(c), any retail food
19 establishment, as defined in section 23-2, that in the prior year had less than \$2 million in revenues
20 and fewer than 25 employees is exempt from the requirements of this article. Any department, office,
21 or board identified in section 48-136 may adjust this exemption by increasing or decreasing the
22 revenue and/or employee thresholds, based on market conditions and the availability and cost of
23 recycling and organic waste diversion services, through an update to the rules and regulations
24 promulgated under authority of this section.

25 **Sec. 48-133. – General provisions regarding diversion requirements.**

26 (a) On-site recycling and organic material diversion services required under this article
27 shall:

28 (1) For recycling, collect at least the materials required to be recycled pursuant to the
29 Producer Responsibility Program for Statewide Recycling Act, C.R.S. § 25-17-701 *et seq.*, as
30 amended;

31 (2) For organic material diversion, collect at least all food waste;

32 (3) Provide sufficient receptacles, collection capacity, and service frequency, in
33 accordance with applicable rules and regulations; and

1 (4) Remove recyclables and organic materials as described herein, or as described in
2 rules and regulations adopted for the purposes hereof, by either:

3 a. Contracting with a solid waste hauler licensed under chapter 48 to transport the
4 recyclables and/or organic materials to a materials recovery facility or composting facility, as
5 applicable and both as authorized by law; or

6 b. Transporting the recyclables and/or organic materials, as permitted under
7 applicable law, to a materials recovery facility, composting facility, food bank or shelf, urban farm,
8 community garden, or designated transfer station for recyclables or organic materials, as applicable
9 and all as authorized by law; provided that where a responsible party chooses this option, they shall
10 retain documentation to demonstrate this method of compliance, such as invoices from the receiving
11 facility, including as may be required under rules and regulations.

12 (b) Any department, office, or board identified in section 48-136 may add to or remove
13 items from the list of recyclable materials and compostable materials required under subsection
14 (a)(1) and (a)(2) of this section, through rules or regulations.

15 (c) Any department, office, or board identified in section 48-136 may adopt rules or
16 regulations that establish a process by which the responsible party for an affected premises can
17 request:

18 (1) Exemption from the requirements of this article for reasons including, but not limited
19 to, economic hardship, de minimis volumes of materials, inadequacy of hauling service providers,
20 and space constraints;

21 (2) Approval to comply with this article through alternative means such as food donation,
22 animal feed, on-site organic material diversion, or other innovative processes; or

23 (3) Approval to comply with this article by sharing recycling or organic material diversion
24 services.

25 (d) A responsible party for an affected premises to which an effective date in sections 48-
26 130, 48-131, or 48-132 of this article applies and who begins operations after an applicable effective
27 date shall comply with this article on the date that is 30 days after the affected premises is issued a
28 city license. If the premises does not require a city license, the responsible party shall comply within
29 30 days of taking possession of the premises or beginning regular operations, as applicable.

30 **Sec. 48-134. – Education.**

31 (a) The responsible party shall provide recycling and organic material diversion (where
32 applicable) information and instructions in accordance with applicable rules and regulations.

33 (b) All information and documentation, including signage, required to be provided to

1 persons or posted as public information under this article shall be written in English and Spanish, or
2 picture-only, and include universal symbols in accordance with applicable rules and regulations.

3 **Sec. 48-135. – Waste diversion plans.**

4 (a) The responsible party for an affected premises shall create a waste diversion plan by
5 the date on which the requirements of this article apply to the premises and shall continually update
6 and maintain such plan to ensure compliance with this article and any applicable rules and
7 regulations.

8 (b) A plan must:

9 (1) be consistent with the requirements of this article and any rules and regulations
10 developed pursuant to this article, including as to format and any submission requirements; and

11 (2) include information or documentation as required by any agency authorized to develop
12 rules or regulations under this article to verify compliance with this article.

13 (c) All responsible parties must maintain a copy of the waste diversion plan on-site and
14 produce it upon request of any official with enforcement authority under section 48-137.

15 **Sec. 48-136. – Rules and regulations.**

16 The director of excise and licenses, the board of public health and environment, the manager
17 of community planning and development, the manager of transportation and infrastructure, the
18 manager of aviation, and/or the executive director of the office of climate action, sustainability, and
19 resiliency may adopt such reasonable rules and regulations as may be necessary for the purpose of
20 administering and enforcing the provisions of this article and any other ordinances or laws relating
21 to and affecting non-residential waste requirements in the city, which may include a responsible
22 party's duty to demonstrate commitment and/or compliance with this article.

23 **Sec. 48-137. – Compliance and enforcement.**

24 (a) The director of excise and licenses, the manager of public health and environment, the
25 manager of community planning and development, the manager of transportation and infrastructure,
26 the manager of aviation, and/or the executive director of the office of climate action, sustainability,
27 and resiliency are hereby empowered to enforce the provisions of this article and any rules or
28 regulations issued pursuant to it.

29 (b) It shall be unlawful for any person to violate any provision of this article or any rule or
30 regulation issued pursuant to it.

31 (c) The director of excise and licenses, the manager of community planning and
32 development, the manager of transportation and infrastructure, and the executive director of the
33 office of climate action, sustainability, and resiliency are "enforcement officials" who may enforce this

1 article, any rule or regulation issued pursuant to this article, or any order issued pursuant to this
2 article, in accordance with article XII of chapter 2 of the Code and any implementing regulations.

3 (d) The manager of public health and environment may enforce this article, any rule or
4 regulation issued pursuant to this article, or any order issued pursuant to this article, in accordance
5 with subsections 24-5(b) through (h) of the Code and any implementing regulations, except that any
6 penalty amounts shall be consistent with section 2-293.

7 (e) Any person who disputes a violation for which a civil penalty is assessed may file a
8 notice of appeal pursuant to article XII of chapter 2; provided however that if the violation is issued
9 by the department of public health and the environment, such appeal shall be filed pursuant to
10 section 24-1 of the Code.

11 (f) The director of excise and licenses also has authority to enforce these provisions
12 pursuant to chapter 32.

13 (g) Whenever a licensee is the responsible party, the licensee shall submit with its license
14 application the following information: (i) the name and contact information of the person responsible
15 for compliance with the provisions of this article; and (ii) the name(s) and contact information of the
16 hauler(s) providing the recycling and/or organic waste diversion services required by this article. In
17 addition, the department of excise and license may require such licensees and applicants for
18 licensure to submit a waste diversion plan or otherwise demonstrate compliance with this article.

19 (h) No variances shall be allowed for any provision of this article and any rules or
20 regulations issued pursuant to it.

21 **Sec. 48-138. – Reporting.**

22 No more frequently than every three (3) years and no less frequently that every five (5)
23 years thereafter, the executive director of the office of climate action, sustainability, and
24 resiliency shall provide a written report to city council on the subject of this article which shall
25 include, but is not limited to, compliance rates, market conditions, and other factors pertaining
26 to this article. Included in this report will be information on whether there have been any
27 revisions, or if there are any plans to revise, the exemption in section 48-132(f) through an
28 update to the rules and regulations promulgated under authority of this section.

29 **Sec. 48-139 - 153. – Reserved.**

30

31 **Section 4.** That a new article XI is hereby added to chapter 48 to read as follows:

32 **ARTICLE XI. SPECIAL EVENT REQUIREMENTS FOR RECYLABLES AND ORGANIC**

1 **MATERIAL COLLECTION**

2 **Sec. 48-153. – Definitions.**

3 Except as otherwise provided in this article, the following words and phrases have the following
4 meanings:

5 (1) *Permitted event* means an event permitted by the city which occurs, in whole or in
6 part, on public property and determined to be one or more of the following type(s) of event(s): (i)
7 a special event as defined in article XXI, chapter 2, as determined by the executive director of
8 the office of special events; (ii) an event requiring a permit by the department of parks and
9 recreation and as determined by the manager of parks and recreation; or (iii) an event requiring
10 a special event revocable street occupancy permit as determined by the manager of
11 transportation and infrastructure.

12 (2) *Responsible city offices and departments* means the office of special events, the
13 office of climate action sustainability and resiliency, the department of parks and recreation, or
14 the department of transportation and infrastructure.

15 (3) *Responsible party* means the permittee of a permitted event.

16 **Sec. 48-154. – Recycle and organic waste requirements.**

17 (a) *In general.* On or after April 1, 2026, the responsible party must provide recycling and
18 organic material collection to their employees, contractors, customers, volunteers, and attendees.

19 (b) *Containers.* The responsible party of a permitted event must supply containers, placed
20 in sufficiently adequate locations, to make source separation of recyclables, organic material, and
21 trash convenient for employees, contractors, customers, and attendees of permitted events. The
22 containers must:

23 (1) Be of appropriate number and size to adequately accommodate recyclables, organic
24 material, and trash quantities reasonably anticipated to be generated at the location;

25 (2) Display appropriate signage in English and Spanish, or picture-only, be color coded to
26 identify the type of refuse to be deposited, and meet any additional design criteria established by
27 rules and regulations adopted by the responsible city offices and departments; and,

28 (3) Be placed in reasonably convenient locations to provide equally convenient access to
29 users, consistent with the rules and regulations adopted by the responsible city offices and
30 departments.

31 **Sec. 48-155. – Exemptions.**

32 The following exemptions shall apply:

33 (a) Permitted events that generate a de minimis amount of waste, demonstrate a proven

1 economic hardship, or do not have licensed food vendors for on-site consumption, are exempt from
2 the organic materials requirements of this article;

3 (b) Permitted events that anticipate three hundred fifty (350) or fewer total daily attendees
4 are exempt from the recycling and organic material collection requirements of this article;

5 (c) Permitted events that anticipate one thousand (1,000) or fewer total daily attendees
6 are exempt from the organic material collection requirements of this article.

7 (d) The executive directors of the responsible city offices and departments may adjust the
8 exemptions of this section by increasing or decreasing the total number of daily attendees, based
9 on market conditions and compliance rates, through an update to the rules and regulations
10 promulgated under authority of this section.

11 (e) Any responsible party that is granted an exemption by the responsible city office or
12 department, pursuant to rules and regulations promulgated by the office or department, if the
13 responsible party demonstrated a good faith effort but ultimately failed to secure adequate hauling
14 services for recycling and organic material.

15 **Sec. 48-156. – Education and waste diversion plan.**

16 (a) In order to be issued a permit for a permitted event, a responsible party must submit a
17 waste diversion plan on a form established by the responsible city offices or departments. The waste
18 diversion plan must include, at a minimum, phone and email contact information on the haulers
19 servicing the event, and the manner in which the responsible party will educate staff and vendors on
20 its waste diversion plan.

21 (b) All information and documentation, including signage, required to be provided to
22 persons or posted as public information under this article shall be written in English and Spanish, or
23 picture-only, and include universal symbols as adopted through rules and regulations by the
24 responsible city offices and departments.

25 (c) Each container designated or used for collection and disposal of materials to a state-
26 recognized landfill shall be prominently marked "landfill trash" in English and Spanish, or picture-
27 only and in compliance with the rules and regulations adopted by the responsible city offices and
28 departments.

29 (d) Each container designated or used for collection or transport of recyclables or organic
30 materials shall be affixed with a sign that includes:

- 31 (1) The type of materials accepted written in English and Spanish, or picture-only;
- 32 (2) The term "recycling," "compostables," "organics," "food waste," as appropriate; and
- 33 (3) Other labeling requirements as adopted through rules and regulations by the

1 responsible city offices and departments.

2 **Sec. 48-157. – Rules and regulations.**

3 The executive director of the office of special events, the executive director of the office of
4 climate action sustainability and resiliency, the manager of parks and recreation, or the manager of
5 transportation and infrastructure may adopt such reasonable rules and regulations as may be
6 necessary for the purpose of administering and enforcing the provisions of this article and any other
7 ordinances or laws relating to permitted events.

8 **Sec. 48-158. – Disciplinary actions and penalties.**

9 The manager of the department of transportation and infrastructure and the manager of
10 the department of parks and recreation are authorized to assess civil penalties pursuant to this
11 article as provided in article XII, chapter 2 of the Code.

12 **Sec. 48-159. – Reporting.**

13 No more frequently than every three (3) years and no less frequently than every five (5)
14 years thereafter, the executive director of the office of climate action, sustainability, and
15 resiliency shall provide a written report to city council on the subject of this article which shall
16 include, but is not limited to, the number of events subject to this article, decisions and rationale
17 regarding modifications to the exemption threshold, compliance rates, market conditions, and
18 other factors pertaining to this article.

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20 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**
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COMMITTEE APPROVAL DATE: ****Committee Agenda Date****

MAYOR-COUNCIL DATE: ****Mayor-Council Agenda Date****

PASSED BY THE COUNCIL: _____
_____ - PRESIDENT

APPROVED: _____ - MAYOR _____

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

PREPARED BY: _____ DATE: ****Filing Date****

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Katie J. McLoughlin, Interim City Attorney

BY: _____, Assistant City Attorney DATE: _____

