

FIRST READING: October 1, 2019

SECOND READING: October 15, 2019

ORDINANCE NO. 6345

AN ORDINANCE AMENDING TITLE 7 CHAPTER 16 OF THE LOVELAND MUNICIPAL CODE FOR THE PURPOSES OF WASTE FLOW CONTROL

WHEREAS, the Larimer County Solid Waste Facility located at 6887 South Taft Hill Road serves as a regional solid waste processing and disposal site for residents of Larimer County located in municipalities, including the City of Loveland (“Loveland”) and unincorporated areas, receives approximately one million cubic yards of material per year, and is forecasted to consume the available permitted capacity by the fourth quarter of the year 2024; and

WHEREAS, in early 2016, the Larimer County Board of County Commissioners convened the North Front Range Wasteshed Policy Group, now referred to as the North Front Range Regional Wasteshed Coalition (the “Coalition”) to identify, analyze and prioritize solid waste infrastructure and implementation options, resulting in the development of a Solid Waste Infrastructure Master Plan for adoption by Larimer County. The Coalition includes a Technical Advisory Committee of staff members and a Policy Advisory Committee of elected officials and a stakeholder advisory group with more than sixty members; and

WHEREAS, on December 19, 2018, the Larimer County Planning Commission adopted the 2018 Solid Waste Infrastructure Master Plan (the “County Master Plan”), which includes various recommendations for infrastructure and facility improvements, education, licensing and other program elements to provide solid waste services within Larimer County and increase material diversion from landfill disposal; and

WHEREAS, to cooperate in instituting the County Master Plan, Loveland’s City Council approved execution of the Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements (“Intergovernmental Agreement”) between Loveland, Larimer County, the City of Fort Collins, and the Town of Estes Park by adopting Resolution #R-35-2019 on March 19, 2019; and

WHEREAS, the Intergovernmental Agreement requires the participating parties, including Loveland, to consider adopting policies or programs reasonably anticipated to generate (1) in the aggregate 60,000 tons per year of mixed construction and demolition waste for delivery to a dedicated construction and demolition waste processing facility (as defined in the Intergovernmental Agreement), and (2) a minimum of 55,000 tons per year of single stream recyclable materials for delivery to a dedicated recyclable materials recovery facility (as defined in the Intergovernmental Agreement) prior to Larimer County constructing either such facility; and

WHEREAS, the Colorado legislature has expressly endorsed “local efforts . . . focused toward the reduction of the volume and toxicity of the waste stream . . . through source reduction, recycling, composting, and similar waste management strategies” (Section 30-20-100.5, C.R.S.) and authorized designation of exclusive sites and facilities for disposal of solid waste (Section 30-20-107, C.R.S.); and

WHEREAS, to continue diversion of single stream recyclables, divert construction and demolition waste materials, incentivize Larimer County to construct important waste diversion facilities, and to confer significant health and environmental benefits upon Loveland residents, Loveland City Council finds that the Loveland Municipal Code should be amended to ensure recyclable material and construction and demolition waste materials will be delivered to the dedicated recyclable materials recovery facility and dedicated construction and demolition waste processing facility; and

WHEREAS, in accordance with these findings, Title 7, Chapter 16 of the Loveland Municipal Code must be amended to compel waste haulers, upon construction of the aforementioned Larimer County facilities, to deliver recyclable materials and construction and demolition waste to these respective facilities. The City Council finds that such amendment is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 7.16.020 of the Loveland Municipal Code shall be amended to include the following definitions:

Construction and demolition waste shall mean solid waste, as defined in this Chapter 7.16, generated from construction, remodeling, repairs, or demolition of buildings, and other structures which includes but is not limited to, lumber, bricks, carpets, ceramics, sheetrock, porcelain, metals, drywall, window glass, metal and plastic piping, paint and any other non-hazardous materials resulting from construction and demolition activities.

County clean material recovery facility shall mean a recycling facility, as defined in this Chapter 7.16, constructed by Larimer County in accordance with its 2018 solid waste infrastructure master plan consisting of structures, machinery, devices, or persons to sort, bale, or otherwise manage or process recyclable materials prior to conveyance to end markets. County clean material recovery facility does not mean Larimer County’s existing recycling and transfer facility at 5887 South Taft Hill Road, Fort Collins.

County construction and demolition waste processing facility shall mean a facility constructed by Larimer County to specifically recycle construction and demolition waste, as defined in this code.

Section 2. That the definition of “Recycling” in Section 7.16.020 of the Loveland Municipal Code shall be amended in its entirety to read as follows:

Recycling shall mean the process of recovering useful materials, other than construction and demolition waste, from solid waste including items for reuse.

Section 3. That Section 7.16.050(3) of the Loveland Municipal Code shall be amended in its entirety to state as follows:

3. Except for materials which customers have not properly prepared for recycling, collectors may not dispose of recyclable materials set out for collection by their customers by any means other than delivery at a lawfully operating recycling facility. Commencing on the thirtieth day after the county clean material recovery facility opens for business, all comingled (single-stream) recyclable materials shall be delivered to the county clean material recovery facility for recycling.

Section 4. That Section 7.16.120(A) of the Loveland Municipal Code shall be amended to add the following:

- A. ...
 4. After the county construction and demolition waste processing facility opens for business, and for a period of ten years thereafter, the number of tons of construction and demolition waste collected from each of the following categories of customers within the City: (1) residential customers; (2) multifamily residential customers; and (3) commercial customers.

Section 5. That Section 7.16.130 of the Loveland Municipal Code shall be amended in its entirety to state as follows:

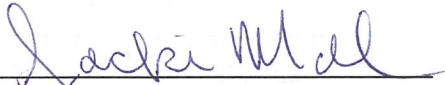
Unless disposal at another facility is required by this Chapter 7.16, all persons or entities holding licenses pursuant to this chapter and engaged in the business of collection of solid waste shall dispose of all solid waste at the Larimer County Landfill or at any other disposal site which is approved by any state. No solid waste shall be disposed of at any other location either inside or outside of the City.

Section 6. That a new Section 7.16.135 of the Loveland Municipal Code shall be adopted, to read as follows:

1. Commencing on the thirtieth day after the county construction and demolition waste processing facility opens for business, and for a period of ten years thereafter, all comingled construction and demolition waste that is free of asbestos and lead paint from new building construction, remodels, additions, and building demolitions shall be delivered to the county construction and demolition waste processing facility for processing, recycling, or disposal as appropriate.
2. Until the county construction and demolition waste processing facility opens for business and after the expiration of the ten year period set forth in subsection (1) above, mixed construction and demolition waste may be delivered to any alternative materials recycling facilities as provided in this Chapter 7.16.

Section 7. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 15th day of October, 2019.



Jacki Marsh, Mayor

ATTEST:



City Clerk



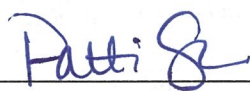
APPROVED AS TO FORM:




Assistant City Attorney

Ordinance 6345

I, Patti Garcia, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held October 1, 2019 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on October 5, 2019 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on October 19, 2019.



City Clerk



Effective Date: October 29, 2019