

**Department of
Transportation and
Infrastructure
&
Department of
Human Services**

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**Rules and Regulations
Governing the Preparation, Storage, and
Collection of Trash, Recyclable Material,
and Compost Material**



Approvals

Executive Director, Department of Transportation & Infrastructure

Executive Director, Department of Human Services

Attorney for the City & County of Denver

Date of Final Signature / Effective Date: _____

- I. Waste Reduction, Reuse, Recycling** - The Department of Transportation and Infrastructure (DOTI) encourages reduction, reuse, and recycling of waste by all Denver residents through participation in the curbside collection programs for recycling and compost, utilization of recycling centers, where available, and diversion of useable appliances, electronics, and household hazardous waste through partner organizations.
- II. Terms and Definitions** – Except as noted below, words and phrases shall have the meaning assigned by the Charter of the City and County of Denver and the Denver Revised Municipal Code (DRMC).
- A. Acceptable yard rubbish** – tree branches, twigs, grass, leaves, shrubs, clippings, weeds, and other general yard and garden waste materials placed directly, unbagged, in standard issued containers for compost material. Branches should be cut and bundled with natural twine into four (4) foot lengths with a width and weight that can fit inside of the standard issued container. Acceptable yard rubbish may include a small quantity of dirt attached to weeds, etc., but does not include sod or dirt as such.
- B. AMI or Adjusted Median Income or Median Income or Area Median Income** - the median income for the Denver metropolitan area, adjusted for household size as calculated by US Department of Housing and Urban Development.
- C. Authorized agency** - the Solid Waste Management division of the Department of Transportation and Infrastructure.
- D. Authorized representative** - supervisory or inspection personnel from the authorized agency or other persons designated by the Manager of DOTI.
- E. Authorized residence** - owners or occupants of a housing structure used for human habitation located within the corporate limits of the City and County of Denver and being:
1. Single family units, or
 2. Multiple unit dwellings designed for and occupied as seven (7) units or less, and
 3. Townhomes or row homes not more than two (2) stories in height above ground level with exclusive entries on the ground level for each unit.
- F. Billing Parcel** – a billing parcel is the parcel of real estate to which the trash billing is attributed and against which the trash bill is due.
- G. Collection types**
1. Manual collection - accomplished by manually collecting and emptying large items into appropriate collection trucks.
 2. Automated cart collection - accomplished by emptying carts into appropriate collection trucks.
 3. Automated dumpster - accomplished by emptying dumpsters into an appropriate automated collection truck.

- H. Commercial waste** - waste generated by dwelling units not defined as an authorized residence.
- I. Contamination** – trash placed in compost or recycle carts, compost material placed in recycle carts, recyclable material placed in compost carts, or non-collectible items in any of the carts.
- J. Compost material** – acceptable yard rubbish, household garbage (as defined in DRMC 48-16), municipal facility kitchen garbage (as defined in DRMC 48-41), and non-recyclable paper products that are acceptable to the Manager of DOTI.
- K. Compostable bags** – certified compostable bags that are approved by the City’s contracted compost facility.
- L. Dwelling Unit** – a dwelling unit will be each individual dwelling space located within a billing parcel which is occupied by a household with a distinct mailing address. Some parcels may contain multiple rental dwelling units.
- M. Eligible Household** - a household whose income qualifies the household to participate in the Volume-based Trash Pricing affordability program, and who holds a valid verification of eligibility from the City. Eligibility standards shall be based on the HUD AMI calculation.
- N. Hours of collection** – typically between the hours of 7:00 a.m. and 5:00 p.m. depending on route schedule, or until completion of routes.
- O. Household** – either (1) A single person occupying a dwelling unit, plus any permitted domestic employees; or (2) Any number of persons related to each other by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit; or (3) Up to five (5) adults of any relationship, plus any minor children related by blood, adoption or documented responsibility, plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit; or (4) Up to eight (8) adults of any relationship with a “handicap” according to the definition in the Federal Fair Housing Act, and who do not meet the DRMC’s definition of a Congregate Living or Residential Care use; or (5) Up to eight (8) older adults (individuals fifty-five (55) or more years of age) who occupy a dwelling unit as a single, non-profit housekeeping unit, and who do not meet the DRMC’s definition of a Congregate Living or Residential Care Use. A household excludes a use that meets the definition of a Congregate Living use.
- P. Income** – all financial income resources of members of a household, including but not limited to the following:
 1. Employment wages;
 2. Spousal maintenance/alimony;
 3. Rental payments;
 4. Pension or annuity benefits; and
 5. Dividends.
- Q. Instant Rebate** – will be reflected as a credit on the billing for the Volume-Based Trash Pricing Services Fee as applied by DHS to anyone accepted into the

affordability program as described below. The credit amount will be paid by the City on behalf of the eligible household into the Solid Waste special revenue fund.

- R. Large items** - furniture, branches (properly prepared), and other reasonable items not specifically identified as non-collectable that can safely be handled by collectors, and which are identified on the authorized agency's website.
- S. Manager or Executive Director** - the officer in charge of a City department, as set forth in Article II of the Charter of the City.
- T. Non-collectible items** - hazardous waste under 40 CFR Part 261, oil, liquids, hot ashes, tree stumps, auto parts, commercial garbage, railroad ties, concrete, rocks, sod, dirt and soil (except as provided in II.A. of these Rules), building material, demolition debris, branches over four (4) feet in length, or any other material identified by an authorized representative.
- U. Plastic bags** – bags with a maximum capacity of thirty-two (32) gallons or less, a thickness of 1.5 mils, and securely tied closed.
- V. Recyclable material** - those materials which would otherwise become municipal solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.
- W. Standard Issued Containers**
 - 1.** Carts – City-issued and owned 35, 65, or 95-gallon wheeled containers for trash, recyclable material, and compost material respectively.
 - 2.** Dumpsters - City-supplied, 1.5 - 3 cubic yard metal trash containers commonly utilized for municipal or commercial collection.
- X. Trash** - all or any ashes, building rubbish, commercial garbage, garbage, household garbage, household rubbish, litter, refuse, yard rubbish, and waste matter.

III. Collection of trash, recyclable material, and compost material – Collections of trash, recyclable material, and compost material shall be made weekly, by the authorized agency, in accordance with the plan and schedule of the Manager of DOTI. Collection shall be made from authorized residences only and is subject to the following:

- A.** The collection type and Standard Issued Containers shall be determined by an authorized representative of the authorized agency and approved by the Manager of DOTI. The collection type, Standard Issued Containers, and day of service may be changed at the discretion of the same, with sufficient notice to authorized residence in order to correct safety concerns, improve productivity and service levels, or for any other appropriate reason.
- B.** Trash, recycle, and compost carts must be maintained in a safe and sanitary condition and must be free from ragged or sharp edges or any other condition which may hamper or cause injury to collectors. Authorized residences must request replacement from the authorized agency for unsafe or damaged trash cans

carts.

- C.** The use of City-owned Standard Issued Containers by non-residents of the City and County of Denver and/or for non-collectible items is prohibited.
- D.** All trash must be secured in a plastic bag before placement in a trash cart. Plastic bags are not accepted in recycle or compost carts. Compostable material may be bagged in compostable bags only.
- E.** Contamination is prohibited.
- F.** Collection Conditions – When trash, recyclable material, and compost material collection will not be provided, the authorized residence will be notified. Collection may not be provided where:
 - 1.** unsafe or non-Standard Issued Containers are used, or trash, recyclable material, or compost material are outside of respective Standard Issued Containers.
 - 2.** non-collectable items are placed in Standard Issued Containers or set out for large item pick-up.
 - 3.** a potentially dangerous condition exists, Standard Issued Containers are not accessible, or where collection is determined to be impractical by the Manager of DOTI or an authorized representative.
 - 4.** contamination exists in Standard Issued Containers.
 - 5.** severe weather conditions exist, services fall on City-observed holidays, or where services are impacted by circumstances beyond the City’s reasonable control. Reasonable efforts will be made by the authorized agency to service all authorized residences weekly on a specified service day. Where there are delays of normal operations, collection will be made in the most reasonably expedient manner as determined by the Manager of DOTI or authorized representative. City-observed holidays may delay service by one day.
- G.** Large items and appliances will be collected as part of the Volume-based Trash Pricing Service Fee. Large items and appliances will be collected from authorized residences only in accordance with the plan and schedule of the Manager of DOTI.
- H.** For authorized residences serviced by manual collection, acceptable large items must be placed no more than five (5) feet from the curb or edge of alley and acceptable appliances must be placed no more than five (5) feet from curb, in each case, by the start of the hours of collection on the day designated for collection.
- I.** In areas serviced by automated cart collection, carts must be placed in the flow line of the gutter by the start of hours of collection on the day designated for collection. Except on an authorized residence’s assigned collection day, carts must be stored on the authorized residence’s property, not in the right of way, and must be out of public usage.
- J.** Where collection must be accomplished from non-dedicated streets or alleys, an easement and indemnity agreement must be in place which indemnifies the City

from damages and claims resulting from such use.

- K.** All collection activities by private contractors, from authorized residences, must be scheduled and performed in a manner so as not to conflict with authorized agency efforts.
- IV. Acceptable Items** – The authorized agency may update its website with a list of current accepted items for trash, recyclable material, compost material, large items, and any other services provided by the authorized agency. The authorized agency may also update its website with a list of current accepted items for privately contracted collections such as electronics, appliances, and household hazardous waste.
- V. Condition of Carts** - The authorized agency will properly prepare and store carts to accommodate seasonal variations to ensure that carts are in good condition.
- VI. Volume-Based Trash Pricing Service Fee** – Authorized residences will be charged a fee based on the size of the selected trash cart. If an authorized residence does not select a trash cart size, the authorized residence will be charged a minimum fee based on the small trash cart. The fee structure will initially be set at \$9/month for the small trash container (35-gallon), \$13/month for the medium trash container (65-gallon), and \$21/month for the large trash container (95-gallon). No later than every five (5) years thereafter, the Manager of DOTI may adjust the fees associated with each trash cart based on a cost-of-service study. If the Manager of DOTI determines that it is appropriate to adjust the fees associated with each trash cart pursuant to the previous sentence, the Manager of DOTI shall amend these Rules to incorporate the fee adjustment. The Manager of DOTI may also adjust the fees on an individual basis for good cause or where space constraints require service by a private hauler, where there is evidence of a vacancy at an authorized residence, and where there is evidence that an authorized residence is operating a housing structure as a commercial business. In the event that the City is unable to provide service for the reasons described in III.F.5 of these Rules for one or all services, the Manager of DOTI may discount the fees until such time that service is restored/provided.
- VII. Affordability Program** – The Department of Human Services (DHS) will offer an affordability program and verify instant rebates for eligible households. Instant rebates will be based on the Area Median Income for the City and County of Denver. Instant rebates will be effective for one (1) year, requiring residents to reapply or attest annually.

 - A. Income Eligibility Verification**

 - 1.** Upon receipt of an application for a program rebate, DHS staff will review submitted information and may utilize legally permissible resources (for example, no federally protected program status will be utilized) to verify income and residency.
 - 2.** For applications received that lack sufficient income verification documentation or upon reports of misrepresentation of income or potential program violations, DHS shall utilize legally permissible resources (for example, no federally protected program status will be utilized) to investigate and verify income and residency.
 - 3.** Any additional information and/or documentation that is required to

determine eligibility that cannot be located within the DHS legally permissible resources will be requested from the applicant via the method of contact provided by the applicant in the application.

4. Applications will be accepted and processed in the order received and completed, which are limited by ordinance to a single application for each billable residential property. Incomplete applications will be held for processing until completion by the applicant.
5. Submission of an application does not reserve or guarantee any instant rebate for that application as applicants will only receive the instant rebate upon completion of the application and a determination of eligibility.
6. If an application is not completed, the applicant will have until the end of the billing cycle in which the application was submitted to provide all necessary verification documentation to complete it.
7. Applicants whose applications are not completed before the end of the billing cycle will not receive an instant rebate for that billing period, regardless of when the application was received.
8. Applicants must indicate whether or not they are the owner of the parcel for which the rebate is sought, or, if a renter, they must indicate how many rental dwelling units are included in the parcel where they reside.
9. For renters, any application for a dwelling unit in a parcel having more than one (1) dwelling unit but less than seven (7) dwelling units will be considered for rebate on a pro rate basis for the entire billing parcel where the dwelling unit is located.
10. Applicants must either be named on the billing parcel trash bill generated by the City, or provide other documentary proof, satisfactory to the program, that they are responsible for all of the bill or their pro rata share of the bill.
11. Income includes the sources funds as set forth in the definition of Income. The sources of funds to the household that will not be counted towards Income for eligibility requirements include but are not limited to:
 - a) Gifts;
 - b) Prior year Denver Property Tax Relief program benefits;
 - c) State and federal income tax refunds;
 - d) Non-cash benefits, including Medicaid and the Supplemental Nutrition Assistance Program (SNAP);
 - e) Child support;
 - f) Temporary Assistance for Needy Families (TANF) benefits;
 - g) Low-income Energy Assistance (LEAP);
 - h) Education monies not used for household, living, or food expenses;
 - i) Social Security Administration benefits;
 - j) Dependent Income; and
 - k) Veteran Benefits.

B. Applications

1. Applications will be processed in the order of receipt until completed.
2. DHS will prepare and make available to all applicants the official application form to be used by all applicants.
3. All information requested on the application form must be submitted and failure to submit information may render an application incomplete.
4. Applications that are awaiting any DHS requested documents required to verify eligibility are not considered complete.
5. If an application is determined by DHS to be incomplete, DHS will notify applicants of the deficiency or deficiencies by telephone, email, or US mail, or any combination thereof as determined appropriate by the program director/manager.
6. Verification documents for pending applications will be processed in the order they are received.
7. Only one application per year will be completed and eligible for the instant rebate for each billable property.
8. DHS shall be authorized to accept an attestation, on a form DHS approves, from a recipient who received the trash rebate in the immediately prior program year, that verifies the previous year's income is still valid for the current year in lieu of a new application. Approved applicants shall be required to submit a new application every other calendar year to maintain eligibility for the rebate.
9. The applicant must provide income verification documentation for the previous 30 days for all adult household members 18 years and older for all sources of income. In addition, the documentation must include the applicant's name and be dated within 30 days. Income verification documentation may include, but is not limited to, the following:
 - a) Pay stubs;
 - b) W-2;
 - c) 1099;
 - d) Interest or dividend statements;
 - e) Bank statements;
 - f) Retirement benefits letter; and
 - g) Rental Income.

C. Completion of Rebate

1. Once DHS has determined that an applicant is eligible for the rebate, the instant rebate will be applied in full to the current billing cycle
2. The amount of rebate for each application will be calculated based on the percentage of AMI for the entirety of the household as follows:

AMI	% Rebate
0-30% AMI	100%

31-50% AMI	75%
51-60% AMI	50%

3. The rebate will apply for one (1) calendar year from time of application, at which time applicants will need to recertify their eligibility as provided in these Rules.

D. Record Retention

1. Records means all documents, files, and recorded information created by any rebate program personnel while acting within the course and scope of their duties pertaining to the program.
2. All records related to the program will be retained and destroyed in accordance with the General Records Retention Schedule of the City and County of Denver. Destruction of electronic records will utilize a method that ensures the electronic records are completely destroyed and not retrievable from any storage media.

E. Grievance Procedure

1. Only an applicant, or the applicant’s legal representative, has standing to file a grievance under this procedure.
2. If an applicant wishes to file a grievance related to an application submitted for participation in the rebate program, the following procedures will apply:
 - a) Grievances will only be considered regarding a dispute concerning the following:
 - 1) the program’s documentation requirements;
 - 2) the program’s eligibility determination; or
 - 3) the program’s determination of whether an application is complete.
 - b) For a grievance to be considered, the applicant must file a written request with the Volume-Based Trash Service Fee Rebate Program at trashrebate@denvergov.org.
 - c) The written request must include a brief factual description of what happened giving rise to the grievance and a request for the resolution sought.
 - d) Upon receipt of the written grievance, DHS staff will begin the process of investigation and gathering of information to assess the grievance and requested resolution.
 - e) The investigation and information gathering process will be completed in no less than 21 days.
 - f) A written final resolution will be provided to the applicant no less than 30 days following receipt of the applicant’s written grievance

request.

F. Verification Process

1. It shall be a violation of this article for any applicant, or for any legal representative of an applicant, eligible for the rebate, to make any false statements in the application for instant rebate.
2. The Executive Director of the Department of Human Services is authorized to verify information provided in rebate applications, which may include without limitation verification of the accuracy of the statements and information contained in reviewed applications.

G. Confidentiality of Application of Eligible Households

1. The City shall, to the extent permitted by law, treat the financial information contained in rebate applications as confidential commercial and financial data under the Colorado Open Records Act, C.R.S. §§ 24-72-200.1–205.5, and shall not release such information except as required by law.

VIII. Enforcement of Rules and Regulations –Reasonable attempts shall be made by an authorized agency representative to contact the violator and seek resolution of the violation. Conflicts and disputes arising from the enforcement of the rules and regulations (other than those specifically addressed in the DRMC) shall be resolved by the Manager or an authorized representative. Upon receipt of notice of violation, the violator shall correct such violation within the time prescribed in such notice. Failure to correct the violation shall be a violation of these Rules, and may be subject to the penalties set forth in the DRMC.

IX. Disposal of Trash, Recyclable Material, and Compost Material - Following collection, trash, recyclable material, and compost material will be transported to a properly designated location for disposal or processing, as determined by the Manager of DOTI or an authorized representative considering, without limitation, factors such as route efficiency and costs.

X. Contact Information - Situations arising during normal day-to-day operations and not specifically addressed in this document or the DRMC shall be resolved by an authorized representative. Customers should contact (720) 913-1311 or submit service requests online.