

**ADMINISTRATIVE RULES AND REGULATIONS
OF THE DEPARTMENT OF PUBLIC WORKS, MOBILITY DIVISION**

ARTICLE I – GENERAL PROVISIONS

- A. Effective date.** These administrative rules and regulations (Public Works rules and regulations) are effective upon publication as required under 1-18-3 of the municipal code.
- B. Authority and purpose.** These regulations are issued by the department of Public Works of the Town of Breckenridge per authority of the municipal code. These regulations elaborate on the requirements of the code and are intended to address the additional criteria government in the Town's Public Works department. These Public Works rules and regulations supersede and terminate any and all prior Public Works rules and regulations, including but not limited to, rules and regulations pertaining to XXXXXX.
- C. Background.** These rules and regulations supersede and replace any and all regulations of the Public Works department promulgated prior to the effective date of these rules.
- D. Interpretation.** These Public Works rules and regulations are officially promulgated by the department of Public Works and have the force and effect of law and are not intended to conflict with titles 4 and 5 of the municipal code.

**ARTICLE II – SOLID WASTE COLLECTION AND DISPOSAL
PAY-AS-YOU-THROW, AND UNIVERSAL RECYCLING**

- A. Hauler Licensing Requirements.** The below administrative regulations should be read in conjunction with the municipal code, title 4, chapter 16 located at https://breckenridge.town.codes/Code/4_Ch16.
1. Licensed haulers shall assess volume-based service rates for the total cost of residential trash and recyclables collection exclusive of any surcharges based on the trash container size. Licensed haulers may establish any base unit rate for the small trash service level and shall establish rates that incrementally increase the base unit rate by no less than eighty percent (80%) for the medium service level and by no less than one hundred and sixty percent (160%) for the large service level. Haulers are permitted to show the cost of service by line item, but the service offering and cost must be displayed and billed as a bundled product.
 - a. Volume-Based Service Rate example – if the Licensed Hauler Base Unit Rate is \$20/month for Trash and Recyclables collection, the Medium Trash Container service level shall no less than \$36/month and the Large Trash Container service level shall be no less than \$52/month
 - b. Volume-Based Service Rate example – if a Generator opts to have two Large Trash Containers with the pricing used in the example above the monthly rate would be no less than \$104 for Trash and Recyclables collection

Commented [JB1]: Title 4 contains Hauler licensing and title 5 contains public health and safety. This does NOT include engineering which is in title 10 of the code, title 11 which is public ways and property, and title 12 which is municipal water system

2. All volume based pricing shall be published on the licensee's website and easily accessible for customers located within the Town of Breckenridge.
3. If a licensee provides trash collection to a commercial customer, the hauler must also provide recycling containers with a service equivalency of at least fifty percent (50%) the size of trash service when container number, size and collection frequency are considered, and shall have discretion to establish separate rates for recycling.
 - a. Commercial recycling container example – if entity has a 6-cubic yard trash container collected twice/week, the licensed hauler shall provide at least the equivalent of a 6-cubic yard recyclables container collected once/week
 - b. Commercial trash compactor example - the recyclables container capacity shall be at a minimum equal to the volume of the trash compactor charge box or 8 cubic yards collected at the same equivalency of the trash compactor, whichever is smaller
4. A licensee shall provide separate containers for glass and/or organics upon request of a commercial customer and shall have discretion to establish separate rates for such services; provided, however, a licensed hauler shall provide glass recycling service to commercial businesses that have mandatory requirements to recycle glass under title 5, chapter 6 (e.g. restaurants, bars, taverns, tap houses).
5. A licensee shall notify all customers of the provisions and guidelines related to these regulations on an annual basis. All notifications and guidelines shall be distributed by electronic mail or hard copy delivery to the customer account unless noted below:
 - a. Notices and guidelines for group accounts may be sent to the group account representatives provided that such notice identifies the representatives' obligation to notify all individual customers of the service of the provision of recyclables collection service.
 - b. All customers shall receive a written service notification of service options including specifications of customer-provided containers, residential and commercial collection rates, collection frequency, service surcharges (if any) and any other costs for extra services upon initial provision of service, within thirty (30) days prior to any rate change and annually by December 31st of each year.
6. Licensed Haulers shall deliver to customers up to three (3) communications per year generated by Summit County Government and approved by the Town – these may include guidelines for the safe and effective separation of recoverable materials that is developed jointly with licensed haulers.
7. Licensed haulers shall maintain a website that includes current residential and commercial collection options and list of recyclables accepted at the SCRAP recycling facility.
8. All Containers provided by licensed haulers shall be labelled with current licensed hauler name and contact information - any other information shall be removed or covered.

9. Recyclable containers regardless of whether provided by the licensed hauler or customer shall include conspicuous and durable signage provided by Summit County that describes acceptable and unacceptable recyclables – any outdated information shall be removed or covered.
10. All labels shall be weather-resistant and conspicuously placed and maintained (replaced as needed).
11. If a Licensed Hauler elects to perform collection of Solid Waste including Recoverable Materials through subcontractors or agents, such relationship shall not relieve said hauler of the responsibility for compliance with these Regulations. Any subcontractor or agent shall also be a Licensed Hauler.
12. Upon a request from any Customer, licensed haulers shall provide wildlife-resistant containers of the same size as their trash container, locking device or similar mechanism. Nothing in these regulations prevents the licensed hauler from assessing additional fees for wildlife-resistant trash container rental or service provided such costs are itemized on each customer bill.
13. A licensee shall provide a customer with a container the next size up in capacity and shall impose new rates according to the size of the container should the customer overload a container more than three times after receiving notice from the hauler. Overloading a container means that it does not fully close or allows trash outside of the container unless the licensee accounts for and bills the customer for all trash located outside the container at a rate that is at least equal to the cost of the container service level; any container so managed shall be prominently affixed with a tag provided by Summit County identifying it as overloaded at the time of service.
14. At the time a solid waste hauler applies or renews a BOLT license, a licensee shall submit an annual report to Public Works that contains the following information at time of reporting:
 - a. Number of regular residential accounts
 - b. Volume based pricing options and rates
 - c. Number of group accounts
 - d. Number of valet and on-call accounts
 - e. Number of commercial accounts
 - f. Number of commercial accounts with glass service
 - g. Number of commercial accounts with compost service

The report will be a fillable online form to be submitted and approved before issuance or reissuance of a BOLT license.

15. Implementation Dates

a. Service to Residential Customers

No later than February 1, 2023, rates for 2023 must be published and shared with the Public Works Director.

No later than October 1, 2023, licensed haulers shall convert ninety (90) percent of residential service accounts to volume based rates and all requirements of this chapter;

No later than December 1, 2023, licensed haulers shall convert one-hundred (100) percent of residential service accounts to volume based rates and all requirements of this chapter;

b. Service to Group Accounts

No later than April 1, 2024, licensed haulers shall convert group accounts to volume based rates and all requirements of this chapter.

c. Service to Valet Customers

No later than April 1, 2024, licensed haulers shall convert valet customers, with bi-weekly service or more frequent than bi-weekly service, to volume based rates and all requirements of this chapter;

d. Service to Commercial Customers

No later than April 1, 2024, licensed haulers that provide trash collection to a commercial customer under section 4-16-9 shall deliver at least fifty percent (50%) of recyclables containers and initiation of recyclables collection services to the commercial customers, and

No later than April 1, 2025, licensed haulers that provide trash collection to a commercial customer under section 4-16-9 shall deliver one hundred (100%) of recyclables containers to the commercial customer.

16. Suspension; Administrative fines; Penalties; Injunctive relief. A licensee who violates any provision of the municipal code or these rules and regulations is subject to any and all discipline, fines and/or penalties as set forth in [4-16-10](#) and 4-16-13.

a. The first warning is a 30-day Notice of Pending Violation letter sent by Public Works Director or their designee.

b. If the steps to become compliant are not completed within the 30 days allowed, the case will be referred to Code Enforcement at the Police Department for further investigation.

- c. If compliance is not achieved within 14 days of Code Enforcement opening an investigation, fines begin to be assessed.

17. Review of decisions. A licensee challenging a decision of the public works director shall file an appeal in writing with the town manager as set forth in 4-16-11.

B. Commercial Generator Requirements. The below administrative regulations should be read in conjunction with the municipal code, title 5, chapter 6 located at https://breckenridge.town.codes/Code/5_Ch6.

1. Each recycling bin shall include a label identifying acceptable and unacceptable materials provided by Summit County and affixed and maintained by the commercial generator.
2. Housekeeping and janitorial contracts established by commercial generators, or contracts with property management companies shall specify the requirement for preventing recyclables and glass from being mixed with trash.
3. Once recycling service begins at a property, commercial generators shall provide employee, occupant, tenant, housekeeping and janitorial training with materials provided by Summit County at a frequency needed to effectively prevent recyclables and glass from being mixed with trash but no less than annually; training shall also be provided within thirty (30) days of occupancy or start date for any new employee, occupant, tenant, housekeeping or janitorial staff.
4. Commercial generators shall maintain written records of solid waste collection services and training activities.
5. Owners of commercial or multifamily properties and management companies are responsible for ensuring tenants, residents, and guests know how to correctly use recycling services, it is essential that tenants, residents and guests:
 - a. Know that recycling services exist
 - b. Know the location(s) of dumpsters and containers
 - c. Are educated regularly
6. Commercial property management must provide signage for all common area collection points. Property maps depicting the locations of required services must be provided. Owners and managers may choose to have trainings conducted by a third party approved by the Town.
7. Group Accounts. Representatives of group accounts are obligated to notify all individual customers of the volume based service options and of the provision of recyclables collection service before entering into a group account contract with the hauler.

C. Variances and Waivers. A variance or waiver from the recycling requirements of these regulations may be granted upon receipt of completed application and supporting documentation from a residential or commercial generator or licensed hauler and approval by the Public Works Director or their designee. All forms can be found and submitted online at www.sustainablebreck.com. Applicants with space constraints that preclude the Zero Waste ordinance must provide a description and photograph(s) of the area. Prior to granting a variance or waiver based on space constraints, the Town reserves the right to conduct an on-site inspection.

1. Variances may be approved to temporarily modify the recycling requirements of these regulations and waivers may be approved to temporarily exempt compliance. The first variance or waiver will be issued for a maximum period of two (2) years, at which time full compliance shall be required unless a new variance or waiver is requested and approved for an additional six (6) months for a total of two and a half (2.5) years. The Public Works Director may issue variances or waivers for the following:
 - a. Residential customers
 - i. At or below 80% AMI and/or proof of SNAP benefit eligibility
 - b. Commercial customers including Multi-Family Properties;
 - i. Whose premises have extreme space constraints
 - ii. Whose available recyclable container space is not safely serviceable - which shall mean significantly less safe to service than the customer's trash container
 - iii. Who would violate another town code or regulation, or state of federal regulation if required to separate recyclables or glass for collection
 - iv. Who do not generate reasonable quantities of recyclables or glass - which shall mean less than one (1) Large Recyclables Container is collected once per week for either material
 - v. Multi-Family Properties that include more than 70% accommodation units by number of accommodation unit license may have a reduced recyclables container volume capacity equal to 25% of trash container capacity
 - vi. Multi-Family Properties that include more than 70% deed restricted units
 - c. Any other good cause approved by the Public Works Director

D. Permanent Exemptions. The following individuals or entities are exempted from the provisions of these regulations but may be required to provide documentation to verify eligibility for this exemption provided that all recoverable material is delivered to the Summit County Resource Allocation Park:

1. Residential or commercial generators who self-haul trash, or who transports solid waste for another individual without compensation. Such entities have no curbside service of any kind.
2. On-call customers with trash collection less than once per calendar month – when trash collection service increases to more than once in any calendar month, on-call customers shall be subject to the commercial recycling requirements as described in these regulations
3. A civic, community, benevolent or charitable non-profit organization whose primary business is not the collection of Solid Waste that collects, hauls and markets Recoverable Materials solely for raising funds for a charitable, civic or benevolent activity
4. A property owner or agent thereof who hauls Solid Waste left by a tenant upon such owner's property so long as such property owner does not provide collection service for compensation for tenants on a regular or continuing basis
5. Furniture or appliance vendors and their delivery agents who deliver furniture or appliances sold by such vendor and dispose of the purchaser's used furniture or appliances being replaced by such purchase
6. A demolition, construction or landscaping contractor who produces and transports Solid Waste in the course of its performance of a project, where the Solid Waste produced is incidental to the particular demolition, construction or landscaping work being performed by such contractor
7. Haulers engaged solely in the transport of discarded materials that are expressly excluded from the definition of Solid Waste in this ordinance and regulations promulgated hereunder
8. Property owners that share collection services with one or more neighboring properties
9. A licensed hauler is exempt from providing volume-based service rates and trash collection requirements to an individual or entity that generates only recyclables placed curbside for pick up.
10. Any other individuals or entities deemed exempt in writing by the Public Works Director

E. Rebate and Grant Hardship Program.

1. Residential Container Swap Rebates
 - a. Until December 1, 2023, rebates are available up to \$45 per container for the cost of downsizing residential trash containers and for adding recycling containers in order to comply with the ordinance. In an effort to save on cost and transportation efficiency, there may be a central container swap event or events where residents can swap out containers for downsizing service. Rebates for upsizing service are not available.
2. Residential Hardship

- a. For residential customers at or below 80% AMI and/or proof of SNAP benefit eligibility, there is direct payment assistance for the difference in service cost after implementation of volume based pricing for up to three (3) months provided that:
- b. The resident added recycling service where they didn't have it before, or
- c. The resident has downsized trash service, and
- d. The cost of the combined trash and recycling exceeds the amount the resident was paying for the six (6) months preceding PAYT, excluding surcharges.
- e. Direct payment assistance will cover the difference in service. Documentation will be required.

3. Commercial Hardship

- a. Should a commercial property require capital improvements to comply with the regulations, a grant application can be made for financial assistance. Grants will be available on a first come, first served basis until funds are exhausted. Maximum grant request is \$2,500.

F. Authority to Impose Conditions. The public works director may impose such reasonable terms and conditions on a variance, waiver, rebate or grant permit as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of these regulations and applicable law.

G. Decision By Public Works Director. The public works director must approve, deny, or conditionally approve a completed application for waiver, variance, or hardship assistance within 30 days of the receipt of such application, unless, by written notice to the applicant, the decision period is extended for an additional 10 days. The deadlines imposed by this subsection may be extended with the written consent of the applicant.

If an application for hardship is denied, the public works director must clearly set forth in writing the grounds for denial and, where feasible, propose measures to cure the defects in the application.

If an application is conditionally approved, the public works director must clearly set forth in writing the conditions of approval.

The public works director will notify the applicant of his or her decision on the application within 3 days of rendering the decision. Notice shall be given by mailing a copy of the public works director's decision to the applicant by electronic notice.

H. Appeal of Denial or Conditional Approval of Waivers and Variances and Hardship assistance. An applicant may appeal the public works director's denial or conditional approval of an application in writing with the town manager. An appeal submitted under these regulations must set forth the factual basis for the appeal. The manager or their designated hearing officer shall conduct a hearing in a timely matter and in accordance with procedures in Title 1, Chapter 19; provided, however, any decision of the XXXXXXXXXXXX or public works director, as the case may be, shall be a final

decision of the town, and may be appealed to the district court pursuant to rule 106(a)(4) of the Colorado rules of civil procedure.

ARTICLE III –SHARED COMMERCIAL ENCLOSURE PROGRAM

The below administrative regulations should be read in conjunction with the municipal code title 5, chapter 6 which can be found at https://breckenridge.town.codes/Code/5_Ch6.

A. Authorized Use of Shared Commercial Enclosures. The Town owns or manages a series of shared commercial enclosures located throughout the Conservation District. The facilities are used for the temporary collection and storage of trash, single stream recycling, and glass. The public works director, upon consideration of all relevant information, authorizes use of the facilities. The public works director has the right to determine eligibility, even if an individual or business is located in the Conservation District. In order to be eligible, individuals and businesses must:

1. Be located in the Conservation District,
2. Be in good standing with Breckenridge business license (including accommodation license if applicable),
3. Complete a shared commercial enclosure agreement
4. Be in good standing with trash and recycling contractor/s account
5. Not have access to a private trash and recycling facility
6. Pay the annual material management fee for program participation

B. Contract for Trash and Recycling Service. The Town releases an RFP for trash, recycling, and glass recycling service for the shared commercial enclosures each year. There may be one or more contracts awarded by service type. The Town calculates the user's share of service cost based on:

1. Total contract for service,
2. Type of entity,
3. Size of entity,
4. Estimated waste generation, and
5. Total number of users in the program

Rates for service are calculated quarterly and submitted to the contractor. The contractor is authorized to bill users directly for the user's portion of service cost as per the quarterly rate calculation by the Town. Users agree to pay the bill submitted by the service contractor or contractors.

C. Misuse of Shared Commercial Enclosures. Misuse of shared commercial enclosures is outlined in 5-6-12 of the town code. In addition, all commercial entities must also comply with the generator requirements outlined in 5-6-11 that describe universal recycling compliance. Only materials generated within the Conservation District are permitted for collection in these facilities. Materials generated from any other location is a violation of these provisions.

D. Material Management Fee. Administration, operations, and maintenance of the shared commercial enclosures incurs an annual cost to the Town. By opting into the shared commercial enclosure program, authorized users are required to pay a share in the cost facility operations and maintenance. The material management fee is calculated on an annual basis based on:

1. Total cost of operations and maintenance accrued in previous fiscal year,
2. Type of entity,
3. Size of entity,
4. Estimated waste generation, and
5. Total number of users in the program at the start of the fiscal year

Authorized users in the program will be invoiced at the beginning of each fiscal year. Material management fees are due no later than April 1 of each calendar year. Failure to submit the annual material management fee is a violation of these provisions and is subject to the fines and penalties below.

Fees are to be paid annually and will not be refunded based on business closures or other circumstances.

Authorized users who join the program after July 1 will be charged for half the year. The material management fee is to be paid prior to issuance of a keycard upon receipt of the completed user agreement.

E. Keycard Replacement. The Town issues two (2) keycards to authorized users once all requirements are completed. Users are responsible for the keycards. Lost or stolen keycards will be deactivated, and new keycards can be reissued for a replacement fee of \$25 per card. Keycards may also be deactivated if a user is no longer in good standing or is determined to be misusing the facilities as outlined in section D of these regulations and 5-6-12 and 5-6-11 of the town code.

F. Fines and Penalties. In addition to the fines and penalties outlined in 5-6-13 of the town code, the Town will make every attempt to educate users through outreach for the first violation. Continued violations may result in the loss of keycard access.

G. Review of Decisions. A person challenging a decision of the public works director under these rules and regulations shall follow the process outlined in section 5-16-13 Part E of the town code.

ARTICLE IV – DISPOSABLE BAG FEE PROGRAM

The below administrative regulations should be read in conjunction with the municipal code title 5, chapter 12 which can be found at https://breckenridge.town.codes/Code/5_Ch12.

A. Department of Public Works and Police Department To Assist With Enforcement of Disposable Bag Fee Business Ordinance. The XXXXXXXXXXXX director has requested the assistance of the appropriate employees of the Town's Department of Public Works and Police Department with respect to the enforcement of the Disposable Bag Fee Ordinance. Any member of the Town's Department of Public Works, including, but not limited to the Town's Mobility Division, or any member of the Police Department is authorized to provide assistance to the XXXXXXXXXXXX director, and when doing so shall be a "designee" of the XXXXXXXXXXXX director.

B. Evidence Required To Support Determination of Classification as a "Reusable Bag."

Commented [JB2]: Kirsten, this ordinance refers to Finance director - do we need to keep that here and can we given it's under PW now?

1. The definition of a “Reusable Bag” in Section 5-12-6 is any bag with a handle or handles designed for at least 125 uses and is machine washable or made from a material that can be cleaned and disinfected.
2. To support a determination that a particular bag meets the reusable requirements of the definition in a retail store must provide acceptable evidence to the Town in the form of a verifiable order form for the particular bag, together with a written confirmation from the bag manufacturer that it meets these requirements.
3. If deemed necessary, the XXXXXXXXXXXX director or their designee may independently inspect bags at retail stores to verify they meet this definition.

C. Evidence Required To Support Determination of Classification as a “Disposable Bag.”

1. The definition of a “Disposable Bag” is any paper bag that is provided to a customer by a retailer which is required to contain at a minimum 40% post-consumer recycled content. This includes bags for carry out by a Restaurant.
2. To support a determination that a particular bag meets the disposable bag requirements of the applicable definition a Retail Store must provide acceptable evidence to the XXXXXXXXXXXX Director in the form of a verifiable order form for the particular bag, together with a written confirmation from the bag manufacturer that it meets these requirements.
3. If deemed necessary, the XXXXXXXXXXXX Director or their designee may independently inspect bags at Retail Stores to verify they meet the applicable definition.

D. Fee Applies to All Paper Bags Unless Exempted. The Disposable Bag Fee provided for in section 5-12-7 applies to all paper bags that meet the definition in 5-12-6 of the ordinance unless specifically exempted by section 5-12-12 and as further defined in sections F and G below.

E. Unlawful for Retail Store To Absorb Disposable Bag Fee. Section 5-12-8(B) provides that a retail store shall not refund to the customer any part of the Disposable Bag Fee, either directly or indirectly, and Section 5-12-8(C) of the ordinance prohibits a retail store from exempting any customer from any part of the Disposable Bag Fees for any reason except those exemptions specifically provided in section 5-12-12. The XXXXXXXXXXXX director interprets these two sections as making it unlawful for any retail store to advertise, hold out, or to state to the public or to any consumer, directly or indirectly, that the Disposable Bag Fee will be assumed or absorbed by the Retail Store, or refunded to the consumer.

F. “Small Bag” Exemption. Section 5-12-12(F) exempts from the Disposable Bag Fee “bags used for loose small retail items,” but does not specify the size of a bag that is covered by the exemption. Therefore, Exemption F of Section 5-12-12 is interpreted to exempt all plastic and paper bags 100 square inches in size or less.

G. “Safety Bags” Exemption. The XXXXXXXXXXXX director may exempt from the Disposable Bag Fee Ordinance any bag based upon bona fide health or safety concerns (e.g., bags wrapping packaged dry ice).

H. Penalties. Violations of any provision of the municipal code or these rules and regulations is subject to any and all discipline, fines and/or penalties as set forth 5-12-14.

Persons with questions concerning these regulations should contact the Public Works department at 970-453-3170.

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