

1 **ADMINISTRATIVE RULES AND REGULATIONS**
2 **OF THE DEPARTMENT OF PUBLIC WORKS**

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4 **ARTICLE I – GENERAL PROVISIONS**
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6 **A. Authority and purpose.** These regulations are adopted by the department of
7 Public Works of the Town of Breckenridge per authority of the municipal code. These
8 regulations supplement the requirements of the municipal code and are intended govern any
9 additional criteria of the Public Works department. These Public Works rules and regulations
10 supersede and terminate any and all prior Public Works rules and regulations.

11 **B. Effective date.** These administrative rules and regulations (Public Works rules
12 and regulations) are effective upon publication as required under 1-18-3 of the municipal code.

13 **C. Interpretation.** These Public Works rules and regulations have the force and
14 effect of law. To the extent there is any conflict between the municipal code and these
15 regulations, the municipal code shall govern.
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17 **ARTICLE II – SOLID WASTE COLLECTION AND DISPOSAL**
18 **PAY-AS-YOU-THROW, AND UNIVERSAL RECYCLING**
19

20 **A. Hauler Licensing Requirements.** The below administrative regulations should
21 be read in conjunction with the municipal code, title 4, chapter 16 located at
22 https://breckenridge.town.codes/Code/4_Ch16.
23

- 24 1. Licensed haulers shall assess volume-based service rates for the total cost of
25 residential trash and recyclables collection exclusive of any surcharges based on the
26 trash container size. Licensed haulers may establish any base unit rate for the small
27 trash service level and shall establish rates that incrementally increase the base unit
28 rate by no less than eighty percent (80%) for the medium service level and by no
29 less than one hundred and sixty percent (160%) for the large service level. Haulers
30 are permitted to show the cost of service by line item, but the service offering and
31 cost must be displayed and billed as a bundled product.
32

- 33 a. Volume-Based Service Rate example – if the Licensed Hauler Base Unit
34 Rate is \$20/month for Trash and Recyclables collection, the Medium Trash

1 Container service level shall no less than \$36/month and the Large Trash
2 Container service level shall be no less than \$52/month

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4 b. Volume-Based Service Rate example – if a Generator opts to have two Large
5 Trash Containers with the pricing used in the example above the monthly rate
6 would be no less than \$104 for Trash and Recyclables collection
7

8 2. All volume based pricing shall be published on the licensee's website and easily
9 accessible for customers located within the Town of Breckenridge.

10
11 3. If a licensee provides trash collection to a commercial customer, the hauler must also
12 provide recycling containers with a service equivalency of at least fifty percent (50%)
13 the size of trash service when container number, size and collection frequency are
14 considered, and shall have discretion to establish separate rates for recycling.

15
16 a. Commercial recycling container example – if entity has a 6-cubic yard trash
17 container collected twice/week, the licensed hauler shall provide at least the
18 equivalent of a 6-cubic yard recyclables container collected once/week
19

20 b. Commercial trash compactor example - the recyclables container capacity
21 shall be at a minimum equal to the volume of the trash compactor charge box
22 or 8 cubic yards collected at the same equivalency of the trash compactor,
23 whichever is smaller
24

25 4. A licensee shall provide separate containers for glass and/or organics upon request
26 of a commercial customer and shall have discretion to establish separate rates for
27 such services; provided, however, a licensed hauler shall provide glass recycling
28 service to commercial businesses that have mandatory requirements to recycle glass
29 under title 5, chapter 6 (e.g. restaurants, bars, taverns, tap houses).
30

31 5. A licensee shall notify all customers of the municipal code and these regulations on
32 an annual basis by electronic mail or by delivering a hard copy to the customer
33 account or as otherwise provided below:
34

- 1 a. Notices and guidelines for group accounts may be sent to the group account
2 representatives provided that such notice identifies the representatives'
3 obligation to notify all individual customers of the service of the provision of
4 recyclables collection service.
5
- 6 b. All customers shall receive a written service notification of service options
7 including specifications of customer-provided containers, residential and
8 commercial collection rates, collection frequency, service surcharges (if any)
9 and any other costs for extra services upon initial provision of service, within
10 thirty (30) days prior to any rate change and annually by December 31st of
11 each year.
12
- 13 6. Licensed Haulers shall provide written communications to customers at least 3 times
14 per year with educational materials for the safe and effective separation of
15 recoverable materials that is developed jointly with licensed haulers.
16
- 17 7. Licensed haulers shall maintain a website that includes current residential and
18 commercial collection options and list of recyclables accepted at the SCRAP
19 recycling facility.
20
- 21 8. All Containers provided by licensed haulers shall be labelled with current licensed
22 hauler name and contact information - any other information shall be removed or
23 covered. Stickers over existing labels or other form of identification are acceptable.
24
- 25 9. Recyclable containers regardless of whether provided by the licensed hauler or
26 customer shall include conspicuous and durable signage provided by Summit County
27 that describes acceptable and unacceptable recyclables – any outdated information
28 shall be removed or covered.
29
- 30 10. All labels shall be weather-resistant and conspicuously placed and maintained
31 (replaced as needed).
32
- 33 11. If a Licensed Hauler elects to perform collection of Solid Waste including
34 Recoverable Materials through subcontractors or agents, such relationship shall not

1 relieve said hauler of the responsibility for compliance with these Regulations. Any
2 subcontractor or agent shall also be a Licensed Hauler.

3
4 12. Upon a request from any Customer, licensed haulers shall provide wildlife-resistant
5 containers of the same size as their trash container, locking device or similar
6 mechanism. Nothing in these regulations prevents the licensed hauler from
7 assessing additional fees for wildlife-resistant trash container rental or service
8 provided such costs are itemized on each customer bill.

9
10 13. A licensed hauler shall provide a customer with a container the next size up in
11 capacity and shall impose new rates according to the size of the container should the
12 customer overload a container more than three times after receiving notice from the
13 hauler. Overloading a container means that it does not fully close or allows trash
14 outside of the container unless the licensee accounts for and bills the customer for all
15 trash located outside the container at a rate that is at least equal to the cost of the
16 container service level; any container so managed shall be prominently affixed with a
17 tag provided by Summit County identifying it as overloaded at the time of service.

18
19 14. At the time a solid waste hauler applies or renews a BOLT license, a licensed hauler
20 shall submit through the Town's online portal the fillable form for an annual report to
21 Public Works that contains the following information at time of reporting:

- 22
23 a. Number of regular residential accounts
24
25 b. Volume based pricing options and rates
26
27 c. Number of group accounts
28
29 d. Number of valet and on-call accounts
30
31 e. Number of commercial accounts
32
33 f. Number of commercial accounts with glass service
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1 g. Number of commercial accounts with compost service

2
3 15. Implementation Dates

4
5 a. Service to Residential Customers

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

9
10 **B. Commercial Generator Requirements.** The below administrative regulations
11 should be read in conjunction with the municipal code, title 5, chapter 6 located at
12 https://breckenridge.town.codes/Code/5_Ch6.

13
14 1. After recycling service begins at a property, commercial generators shall comply with
15 5-6-12 section C.

16
17 2. Owners of commercial or multifamily properties and management companies are
18 responsible for ensuring tenants, residents, and guests know how to correctly use
19 recycling services, it is essential that tenants, residents and guests:

20
21 a. Know that recycling services exist

22
23 b. Know the location(s) of dumpsters and containers

24
25 c. Are educated regularly

26
27 3. Property maps depicting the locations of required services must be provided. Owners
28 and managers may choose to have trainings conducted by a third party approved by
29 the Town.

30
31 **C. Variances and Waivers.** A variance or waiver from the recycling requirements of
32 these regulations may be granted upon receipt of a completed application and supporting
33 documentation from a residential or commercial generator or licensed hauler and approval by
34 the Public Works Director or their designee. All forms can be found and submitted online at

1 www.sustainablebreck.com. Applicants with space constraints that preclude the Zero Waste
2 ordinance must provide a description and photograph(s) of the area. Prior to granting a variance
3 or waiver based on space constraints, the Town reserves the right to conduct an on-site
4 inspection.

5
6 1. Variances may be approved to temporarily modify the recycling requirements of
7 these regulations and waivers may be approved to temporarily exempt compliance.
8 The first variance or waiver will be issued for a maximum period of two (2) years, at
9 which time full compliance shall be required unless a new variance or waiver is
10 requested and approved for an additional six (6) months for a total of two and a half
11 (2.5) years. The Public Works Director may issue variances or waivers for the
12 following:

13
14 a. Residential customers

15
16 i. At or below 80% AMI and/or proof of SNAP benefit eligibility
17

18 b. Commercial customers including Multi-Family Properties;

19
20 i. Whose premises have extreme space constraints
21

22 ii. Whose available recyclable container space is not safely serviceable -
23 which shall mean significantly less safe to service than the customer's
24 trash container
25

26 iii. Who would violate another town code or regulation, or state or federal
27 regulation if required to separate recyclables or glass for collection
28

29 iv. Who do not generate reasonable quantities of recyclables or glass -
30 which shall mean less than one (1) Large Recyclables Container is
31 collected once per week for either material
32

33 v. Multi-Family Properties that include more than 70% accommodation units
34 by number of accommodation unit license may have a reduced

1 recyclables container volume capacity equal to 25% of trash container
2 capacity

3
4 vi. Multi-Family Properties that include more than 70% deed restricted units

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6 c. Any other good cause approved by the Public Works Director

7
8 **D. Permanent Exemptions.** The following individuals or entities are exempted from
9 the provisions of these regulations but may be required to provide documentation to verify
10 eligibility for this exemption provided that all recoverable material is delivered to the Summit
11 County Resource Allocation Park:

- 12
- 13 1. Residential or commercial generators who self-haul trash, or who transports solid
14 waste for another individual without compensation. Such entities have no curbside
15 service of any kind.
 - 16
 - 17 2. On-call customers with trash collection less than once per calendar month – when
18 trash collection service increases to more than once in any calendar month, on-call
19 customers shall be subject to the commercial recycling requirements as described in
20 these regulations
 - 21
 - 22 3. A civic, community, benevolent or charitable non-profit organization whose primary
23 business is not the collection of Solid Waste that collects, hauls and markets
24 Recoverable Materials solely for raising funds for a charitable, civic or benevolent
25 activity
 - 26
 - 27 4. A property owner or agent thereof who hauls Solid Waste left by a tenant upon such
28 owner's property so long as such property owner does not provide collection service
29 for compensation for tenants on a regular or continuing basis
 - 30
 - 31 5. Furniture or appliance vendors and their delivery agents who deliver furniture or
32 appliances sold by such vendor and dispose of the purchaser's used furniture or
33 appliances being replaced by such purchase
 - 34

- 1 6. A demolition, construction or landscaping contractor who produces and transports
2 Solid Waste in the course of its performance of a project, where the Solid Waste
3 produced is incidental to the particular demolition, construction or landscaping work
4 being performed by such contractor
5
- 6 7. Haulers engaged solely in the transport of discarded materials that are expressly
7 excluded from the definition of Solid Waste in this ordinance and regulations
8 promulgated hereunder
9
- 10 8. Property owners that share collection services with one or more neighboring
11 properties
12
- 13 9. A licensed hauler is exempt from providing volume-based service rates and trash
14 collection requirements to an individual or entity that generates only recyclables
15 placed curbside for pick up.
16
- 17 10. Any other individuals or entities deemed exempt in writing by the Public Works
18 Director
19

20 **E. Rebate and Grant Hardship Program.**

- 21
- 22 1. Residential Container Swap Rebates
23
- 24 a. Until December 1, 2023, rebates are available up to \$45 per container for the
25 cost of downsizing residential trash containers and for adding recycling
26 containers in order to comply with the ordinance. In an effort to save on cost and
27 transportation efficiency, there may be a central container swap event or events
28 where residents can swap out containers for downsizing service. Rebates for
29 upsizing service are not available.
30
- 31 2. Residential Hardship
32
- 33 a. For residential customers at or below 80% AMI and/or proof of SNAP benefit
34 eligibility, there is direct payment assistance for the difference in service cost

1 after implementation of volume based pricing for up to three (3) months provided
2 that:

- 3
- 4 b. The resident added recycling service where they didn't have it before, or
- 5
- 6 c. The resident has downsized trash service, and
- 7
- 8 d. The cost of the combined trash and recycling exceeds the amount the resident
- 9 was paying for the six (6) months preceding PAYT, excluding surcharges.
- 10
- 11 e. Direct payment assistance will cover the difference in service. Documentation will
- 12 be required.
- 13

14 3. Commercial Hardship

- 15
- 16 a. Should a commercial property require capital improvements to comply with the
- 17 regulations, a grant application can be made for financial assistance. Grants will
- 18 be available on a first come, first served basis until funds are exhausted.
- 19 Maximum grant request is \$2,500.
- 20

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

25

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

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

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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.

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, and
6. Pay the annual material management fee for program participation

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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.

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 per 5-6-12 and 5-6-11 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 public works director has

1 requested the assistance of the appropriate employees of the Town’s Department of Public
2 Works and Police Department with respect to the enforcement of the Disposable Bag Fee
3 Ordinance. Any member of the Town’s Department of Public Works, including, but not limited to
4 the Town’s Mobility Division, or any member of the Police Department is authorized to provide
5 assistance to the public works director, and when doing so shall be a “designee” of the public
6 works director.

7
8 **B. Evidence Required To Support Determination of Classification as a**
9 **“Reusable Bag.”**

- 10
11 1. To support a determination that a particular bag meets the reusable requirements of
12 the definition in a retail store must provide acceptable evidence to the Town in the
13 form of a verifiable order form for the particular bag, together with a written
14 confirmation from the bag manufacturer that it meets these requirements.
15
16 2. If deemed necessary, the public works director or their designee may independently
17 inspect bags at retail stores to verify they meet this definition.

18
19 **C. Evidence Required To Support Determination of Classification as a**
20 **“Disposable Bag.”**

- 21
22 1. To support a determination that a particular bag meets the disposable bag
23 requirements of the applicable definition a Retail Store must provide acceptable
24 evidence to the public works director in the form of a verifiable order form for the
25 particular bag, together with a written confirmation from the bag manufacturer that it
26 meets these requirements.
27
28 2. If deemed necessary, the public works director or their designee may independently
29 inspect bags at Retail Stores to verify they meet the applicable definition.

30
31 **F. “Small Bag” Exemption.** Section 5-12-12(F) exempts all plastic and paper
32 bags 100 square inches in size or less.
33

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

4
5 **H. Penalties.** Violations of any provision of the municipal code or these rules and
6 regulations is subject to any and all discipline, fines and/or penalties as set forth 5-12-14.

7
8 Persons with questions concerning these regulations should contact the Public Works
9 department at 970-453-3170.

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11