

ORDINANCE NO. 36

Series 2022

**A BILL FOR AN ORDINANCE ESTABLISHING A REGULATORY FEE IN CONNECTION WITH THE COMMERCIAL MATERIALS MANAGEMENT PROGRAM.**

WHEREAS, after an extensive outreach and stakeholder process taking place over a six month period, the SustainableBreck plan was updated in 2022 and identifies targets and strategies to achieve sustainability goals adopted by Town Council;

WHEREAS, one of the goals identified in the SustainableBreck plan was to manage and reduce materials going to the landfill by reducing waste at the source and divert what remains through recycling and composting with a target to achieve 40% landfill diversion by 2035;

WHEREAS, the Town Council has adopted universal recycling requirements for commercial entities and operates and maintains ten shared commercial enclosure facilities in the conservation district made available to approved residential units and businesses for the temporary collection of trash, single stream recycling, and glass; and,

WHEREAS, based on a study conducted by Town Staff to include 2021 operation and maintenance costs and based on business tiers, Staff has proposed a fee to be imposed on users of the material management program in an amount that bears a reasonable relationship to the direct and indirect costs of implementing the Town's material management program established by this Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

**Section 1.** That section 5-6-10 of the code is hereby amended to add language to read as follows:

5-6-10: ALLOWED USE OF COMMERCIAL SHARED TRASH ENCLOSURE:

A. A commercial shared trash enclosure may only be used for the temporary collection and storage of refuse, including recycling material.

B. The director shall adopt administrative rules and regulations to establish a program to manage the commercial shared trash enclosures and in connection therewith may determine appropriate users which can include commercial and residential generators.

1. In connection therewith, the director shall determine those persons who are authorized to use a commercial shared trash enclosure, and which enclosure such person shall be authorized to use.

2. In determining which enclosure a user shall be authorized to use the director shall consider all relevant information, including, but limited to, the user's proximity to the enclosure, and whether the enclosure has the capacity to accommodate the user's anticipated volume of trash.

3. The director shall attempt to permit an authorized user to use the enclosure that is nearest to the prospective user's property or business. However, there is no right to use a particular trash enclosure, and a user's authorized trash enclosure may be changed by the director at any time upon reasonable notice.

4. Establishment of material management regulatory fee and separate fund:

i. Commencing on the effective date of this ordinance, commercial and/or residential users participating in the material management program shall pay an annual fee in the amounts set forth in the table below:

| Tier | Type   | Amount    |
|------|--|-----------|
| 1    | Office/Beauty/Spa, Retail<br>≤1,999 sq ft<br>Residential         | \$379.52  |
| 2    | Cafes, Restaurants + Bars<br>≤1,999 sq ft<br>Retail ≥2,000 sq ft | \$759.04  |
| 3    | Restaurants + Bars ≥2,000<br>sq ft<br>Grocery                    | \$1138.55 |

ii. Beginning with the town's 2024 fiscal year, the amount of the material management fee described in this section shall be reviewed annually at the time of the budget process. The director shall submit for review by council a report confirming that the fee amount from the prior year is adequately and reasonably covering the direct and indirect costs of the regulatory program or propose any increase or decrease in the amount of the fee for administration of the program. If, for any reason, the amount of such fee is not fixed by the town council as part of its annual budget process, the fee for the preceding year shall continue in full force and effect until changed by the town council.

iii. The material management fee shall be paid annually on or before April 1 of each calendar year. Failure to pay the fee in accordance with this section will result in the nonissuance or nonrenewal of a license.

iv. All sums of money collected by the town per this section are intended exclusively for use in the material management program.

The fees collected in accordance with this section shall not be used for general municipal or governmental purposes or spending. Nor shall the fund ever be transferred to or become part of the town's general fund.

v. Fees collected in accordance with this section shall be accounted for by the finance director in such a manner that the finance director can separately track the collection and expenditure of such fees.

C. Nothing in this section prohibits a person from constructing an approved private trash enclosure upon such person's property (and not upon public property); provided, that legal vehicular access for waste collection is available. All necessary development and building permits must be obtained prior to the construction of the approved private trash enclosure.

**Section 2.** Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

**Section 3.** The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity,

and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

**Section 4.** This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of November, 2022.

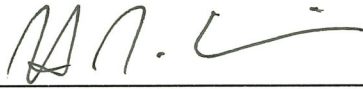
This ordinance was published in full on the Town of Breckenridge website on November 23, November 24, November 25, November 26 and November 27, 2022.

A public hearing on this ordinance was held on December 13, 2022.

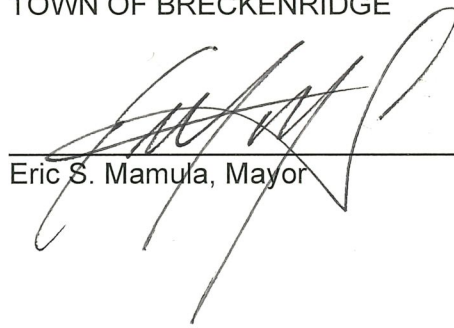
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of December, 2022. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

1-19-23  
Date

This Ordinance was published on the Town of Breckenridge website on December 15, December 16, December 17, December 18 and December 19, 2022. This ordinance shall become effective on January 18, 2023.