

ORDINANCE NO. 5

Series 2017

AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING A NEW CHAPTER 16, TO BE ENTITLED "SOLID WASTE COLLECTION AND DISPOSAL;" DESIGNATING THE SUMMIT COUNTY RESOURCE ALLOCATION PARK (SCRAP) AS THE EXCLUSIVE SOLID WASTE DISPOSAL SITE FOR ALL SOLID WASTE GENERATED WITHIN THE TOWN; REQUIRING EACH SOLID WASTE HAULER OPERATING WITHIN THE TOWN TO OBTAIN AN ANNUAL LICENSE; AND PROVIDING DETAILS OF THE TOWN'S PROGRAM FOR THE LICENSING OF SOLID WASTE HAULERS

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

Section 1. Title 4 of the Breckenridge Town Code is amended by the addition of a new Chapter 16, to be entitled "Solid Waste Collection and Disposal," which shall read in its entirety as follows:

CHAPTER 16

SOLID WASTE COLLECTION AND DISPOSAL

SECTION:

- 4-16-1: Short Title
- 4-16-2: Authority
- 4-16-3: Findings
- 4-16-4: Intent
- 4-16-5: Definitions
- 4-16-6: License Required; Exemptions
- 4-16-7: Licensing Process
- 4-16-8: Duties of Licensee
- 4-16-9: Renewal of License
- 4-16-10: Suspension or Revocation of License
- 4-16-11: Review of Decisions
- 4-16-12: Designated Disposal Site
- 4-16-13: Penalties; Injunctive Relief
- 4-16-14: No Town Liability

4-16-1: SHORT TITLE: This Chapter shall be known and may be cited as the "2017 Town Of Breckenridge Solid Waste Collection and Disposal Ordinance."

4-16-2: AUTHORITY: The Town Council finds, determines, and declares that it has the power to adopt this Chapter pursuant to:

- A. Section 31-15-103, C.R.S. (concerning municipal police powers).
- B. Section 31-15-401(1)(a), C.R.S. (concerning the power to pass and enforce all necessary police ordinances).
- C. Section 31-15-401(1)(b), C.R.S. (concerning the promotion of health or the suppression of disease).
- D. Section 31-15-401(1)(c), C.R.S. (concerning the power to declare what is a nuisance and to abate the same).
- E. Section 31-15-401(1)(d)(I), C.R.S. (concerning the power to compel removal of rubbish).
- F. Section 31-15-501(1)(c), C.R.S. (concerning municipal regulation of business).
- G. Section 30-15-401, C.R.S. (concerning waste services).
- H. Section 30-20-107, C.R.S. (concerning the power to designate an exclusive waste disposal site and facility for the municipality).

2017 SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE

- I. The authority granted to home rule municipalities by Article XX of the Colorado Constitution.
- J. The powers contained in the Breckenridge Town Charter.

4-16-3: FINDINGS: The Town Council adopts this Chapter based upon the following findings of fact:

- A. The Town is a home rule municipality with those powers authorized by Article XX, Section 6, of the Colorado Constitution.
- B. The Colorado General Assembly has declared that the proper disposal of solid waste is a matter of mixed statewide and local concern. “Optimal solid waste management . . . should include . . . local efforts . . . focused toward the reduction of the volume . . . of the waste stream . . . through source reduction, recycling, composting, and similar waste management strategies.” The General Assembly also recognized that “improper disposal of solid wastes poses significant public health risks, environmental hazards, and long-term liability for the citizens of the state.” Section 30-20-100.5, C.R.S.
- C. The Town is empowered by Section 31-15-401(1)(d)(I), C.R.S., “[t]o provide for and compel the removal of . . . rubbish of all kinds from lots and tracts of land within such municipalities . . . upon such notice, and in such manner as such municipalities prescribe by ordinance”
- D. The Town is empowered by Section 30-20-107, C.R.S., to designate and approve by ordinance a solid waste disposal site and facility as its exclusive solid waste disposal site and facility, and thereafter such site and facility shall be used for the disposal of discarded solid waste generated from within its jurisdiction.
- E. The Town is authorized by Section 31-15-103, C.R.S., “to make and publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into effect or discharging the powers and duties conferred by this title, which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state.”
- F. The Summit County Resource Allocation Park (“SCRAP”) is the only licensed solid waste disposal facility located in Summit County and is operated by the County in conjunction with the County’s recycling, composting, and other solid waste management programs and facilities on County-owned property within the Summit County Resource Allocation Park Planned Unit Development.
- G. The Town has the legal authority to adopt ordinances regulating solid waste disposal, including the performance of solid waste hauling services in the Town.
- H. Persons or companies in the business of hauling discarded solid waste, including recyclable materials, within the Town, through their collection and transportation activities, are able to supply the Town with information necessary for long-term solid waste management planning and therefore should be required to submit annual information about their hauling activities to the Town.
- I. The Town has entered into an Intergovernmental Agreement Regarding Collection, Transportation and Disposal of Solid Waste in Summit County, Colorado dated January 24, 2017, in order to cooperate in the development and implementation of a licensing and regulation program regarding the provision of trash hauling services and other community environmental and solid waste management goals stated therein.
- J. As required by Section 30-20-107, C.R.S., prior to adopting this Chapter the Town Council held a public hearing to review the disposal method to be used at the Summit County Resource Allocation Park (SCRAP), as well as the fees to be charged for such disposal method. The Town Council finds such disposal method and fees to be reasonable and necessary and in the best interest of the public health, safety, and welfare.

4-16-4: INTENT: It is the intent of this Chapter to:

- A. Promote the state and local solid waste management goals referenced in Section 4-16-3, as well as other applicable solid waste laws, rules, regulations and policies;
- B. Encourage more recycling of certain discarded solid waste materials;
- C. Accurately measure the volume of wastes entering the waste stream to assist in designing programs to reduce those volumes, and otherwise obtain information for long-term solid waste management planning;
- D. Protect the health, safety and welfare of the public by providing for the long term viability of the Summit County Resource Allocation Park (SCRAP);
- E. Maintain and enhance the quality of the environment, conserve natural resources and prevent pollution by providing a comprehensive and effective program to regulate solid waste in the Town; and
- F. Protect the health, safety, welfare and well-being of the citizens and property owners within the Town.

4-16-5: DEFINITIONS: For the purpose of this Chapter the following words, terms, and phrases have the following meanings:

- APPLICANT: A person who has submitted an application for license pursuant to this Chapter.
- APPLICATION: An application for license submitted pursuant to this Chapter.
- DAY: A calendar day, unless otherwise indicated.
- GOOD CAUSE (for the purpose of refusing or denying a license renewal under this Chapter):
- A. The licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this Chapter; or any other law applicable to licensee; or
 - B. The licensee has failed to comply with the terms, conditions, or provisions of its solid waste hauler license issued pursuant to this Chapter.
- LICENSEE: The person to whom a solid waste hauler license has been issued pursuant to this Chapter.
- RECYCLABLE MATERIALS: Solid waste from any residential, commercial, or other source that is collected separately for the purpose of such material being re-processed into new or different products or packaging materials, provided that such material have been designated by the licensing authority as recyclable.
- RECYCLING: The process of recovering useful materials from solid waste, including items for reuse.
- SOLID WASTE: All putrescible and non-putrescible solid wastes discarded from any source including recyclable materials. The term "solid waste" shall exclude liquid wastes, sewage, sewage sludge, septic tank or cesspool pumpings; sand, asphalt, concrete, gravel, rock, dirt or other segregated construction materials to be used or reused in any construction project; timber, wood chips or vegetative matter hauled from the property where it is cut; agricultural wastes, solid or dissolved materials in irrigation return flows; industrial discharges which are point sources subject to licenses under the provisions of the Colorado Water Quality Control Act; materials handled at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25,

C.R.S.; exploration and production waste as defined in Section 34-60-103(4.5), C.R.S., except as such wastes may be deposited at a commercial solid waste facility; excluded scrap metal that is being recycled; shredded circuit boards that are being recycled; discarded or abandoned vehicles or parts thereof; residential appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act of 1987.

- SOLID WASTE HAULER:** Any person in the business of collecting, transporting to a landfill, disposal site, transfer station or other like facility, or disposing of solid waste, for a fee or other compensation.
- SOLID WASTE HAULER LICENSE (OR LICENSE):** A solid waste hauler license issued pursuant to this Chapter.
- SUMMIT COUNTY RESOURCE ALLOCATION PARK (SCRAP):** The solid waste disposal site and facility owned and operated by Summit County, Colorado government, located at 639 Landfill Road, Dillon, Colorado 80435. The County's solid waste drop off facility located at 284 Coyne Valley Road in the Town is part of the SCRAP, and the depositing of solid waste at the Coyne Valley Road facility shall be treated as depositing such solid waste at the SCRAP.
- TOWN MANAGER:** The Town Manager of the Town of Breckenridge.
- TRANSFER STATION:** A facility at which refuse, awaiting transportation to disposal site, is transferred from one type of containerized collection receptacle and placed into another or is processed for compaction. "Refuse" means all forms of solid waste, including garbage, rubbish, trash, recyclable materials, and similar material.

4-16-6: LICENSE REQUIRED; EXEMPTIONS:

- A. No person shall operate as a solid waste hauler within the Town without a current solid waste hauler license.
- B. A solid waste hauler license is non-transferable and non-assignable. Any attempt to transfer or assign a license voids the license.
- C. Each licensee shall offer recycling services to its customers.
- D. The following are not required to obtain a solid waste hauler license:
 - 1. A demolition, construction, or landscaping contractor who produces and transports solid waste in the course of its performance of a project, where the waste produced is merely incidental to the particular demolition or construction work being performed by such contractor. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP) as required by Section 4-16-12B.
 - 2. A civic, community, benevolent or charitable nonprofit organization that collects, transports, and markets solid waste for resource recovery solely for the purpose of raising funds for a charitable, benevolent, or civic activity.
 - 3. A property owner or agent thereof who transports solid waste left by a tenant upon such owner's property, so long as such property owner does not collect, transport, or dispose of solid waste for compensation for tenants on a regular or continuing basis. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP) as required by Section 4-16-12B.

4. 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.
5. A person who transports his or her own solid waste, or who transports solid waste for another person without compensation. However, any such solid waste shall be disposed of at the Summit County Resource Allocation Park (SCRAP) as required by Section 4-16-12B.
6. Haulers engaged solely in the transport of discarded materials that are expressly excluded from the definition of solid waste in Section 4-16-5.

4-16-7: LICENSING PROCESS:

- A. The Summit County Manager's Office is designated as the licensing authority for solid waste hauler licenses, with licensing decisions subject to review by the Town Council as provided in this Section.
- B. A solid waste hauler license shall be valid for one (1) year from the date of approval unless otherwise specified in such license, and may be renewed as provided in Section 4-16-9.
- C. An application for a solid waste hauler license shall be submitted to the licensing authority along with a completed Solid Waste Hauling License Self-Certification Form. At time of license application or renewal, each solid waste hauler shall provide and attest to the truthfulness of the information requested in the Solid Waste Hauling License Self-Certification Form. An example of such form is included as Exhibit A to this Chapter.
- D. Within thirty (30) days of receipt of a completed application, the staff of the licensing authority shall review the application and make a recommendation to the licensing authority. The licensing authority may make such additional investigations as deemed necessary and shall refer all applications to the Town Manager for comment.
- E. The licensing authority shall issue a solid waste hauler license if the application meets all applicable requirements and it makes all of the following findings:
 1. The applicant has successfully completed the Solid Waste Hauling License Self-Certification Form and such form is true and accurate;
 2. The applicant has paid the license fee in full at the time of application;
 3. The applicant has submitted a complete list of all vehicles to be used for the collection, transportation, or disposal of solid waste within the Town along with information that identifies such vehicles, including, but not limited to, the Department of Motor Vehicle registration forms and license plate numbers. Whenever a licensee desires to add or changes vehicles authorized to operate within the Town, the licensee shall submit a written request for a license amendment to the licensing authority, together with identifying information for each new vehicle to be included under such solid waste hauler license. The requested amendment shall be approved, conditionally approved, or denied in accordance with the provisions of this Section in the same manner as a new license application;
 4. The applicant has provided adequate evidence of liability insurance in the amount shown on the Solid Waste Hauling License Self-Certification Form from a company authorized to do business in Colorado;
 5. Granting the license will not result in a negative impact to the public's health, safety, and welfare and such license will promote the solid waste management goals of the Town and the community. In making such determination the licensing authority shall consider:
 - a. the character of the applicant, its officers, directors, or managers, including any prior license violations or criminal convictions;

- b. the applicant's ability to provide solid waste hauling services in the Town in a manner consistent with the solid waste management goals of the Town;
 - c. the applicant's ability to operate in the Town's high alpine environment and, if the applicant has previously done business in the Town, any prior complaints received from citizens or property owners in the Town; and
 - d. any statement by the applicant regarding its business plan or efforts to support recycling, waste diversion, or other solid waste management goals of the Town.
- F. The amount of the license fee shall not exceed the cost of administering the solid waste hauler licensing program. For 2017, the fee for a solid waste hauler license is twenty dollars (\$20). Commencing in 2018, the fee for a solid waste hauler licensee shall be fixed by the Town Council as part of its annual budget process for the next fiscal year. If, for any reason, the solid waste hauler license fee is not fixed by the Town Council as part of its annual budget process, the license fee for the preceding year shall continue in full force and effect until changed by the Town Council.
- G. Once the licensing authority approves, conditionally approves, or denies an application for a solid waste hauler license, it shall promptly notify the applicant in writing of such decision and the basis therefore.
- H. The applicant may appeal such decision to the Town Council in writing within ten (10) days of receiving such decision notwithstanding Section 1-19-13(B) of this Code. Any appeal shall include a written statement of the grounds for such appeal and any adverse effects that may result.
- I. An appeal to the Town Council pursuant to this Section shall be processed in accordance with Chapter 19 of Title 1 of this Code.
- J. The Town Council shall approve, conditionally approve, or deny an application within thirty (30) days of the conclusion of the public hearing on the applicant's appeal.
- K. The Town Council shall issue a solid waste hauler license when, from a consideration of the application, the evidence received at the public hearing, and from such other information as may otherwise be obtained, the Town Council determines that the applicant is entitled to the issuance of such license under the standards set forth in this Chapter.
- L. The Town Council shall deny an application for a solid waste hauler license under this Chapter if it determines that:
 - 1. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material respect;
 - 2. The applicant is not entitled to the solid waste hauler license under the standards set forth in this Chapter.
 - 3. The operation of the proposed business operation is likely to:
 - a. create a substantial inconvenience or annoyance to the public; or
 - b. cause a public nuisance.
 - 4. The granting of the application will endanger public health or safety.
- M. If the application is denied, the Town Council shall clearly set forth in writing the grounds for denial.
- N. If the application is conditionally approved, the Town Council shall clearly set forth in writing the conditions of approval.

- O. If an application is denied the application fee shall not be refunded.

4-16-8: DUTIES OF LICENSEE: It is the duty and obligation of each licensee to do the following:

- A. Comply with all of the terms and conditions of the license.
- B. Comply with all of the requirements of this Chapter.
- C. Comply with all other Town ordinances that are applicable to the business for which the license was issued.
- D. Submit an annual report on the weight (in tons) of solid waste, including recyclable materials by commodity, collected and transported from within the Town. The licensing authority shall be responsible for designating materials as recyclables for purposes of the reporting requirements of this Section. The initial list of recyclable materials is shown in Exhibit B to this Chapter, and such list may be changed from time to time by the licensing authority. Solid waste reports shall be submitted to the Director, Summit County Solid Waste Department, P.O. Box 3789, Dillon, Colorado 80435, by February 1st of each year for the period of the previous calendar year (January 1- December 31).
- E. Indemnify and defend the Town, its officers, employees, insurers, and self-insurance pool from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of in any manner connected with the operation of the business for which the license was issued. The licensee shall investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at the sole expense of the licensee, and bear all other costs and expenses related thereto, including court costs and attorneys' fees. The indemnity obligation of this Section E shall survive the expiration or revocation of the license, and shall continue to be fully enforceable thereafter, subject to any applicable statute of limitation.

4-16-9: RENEWAL OF LICENSE:

- A. A licensee does not have a vested right or a property right in the renewal of its solid waste hauler license.
- B. Each solid waste hauler license may be renewed as provided in this Section. The term of a renewal license shall be one (1) year, unless suspended or revoked as provided in Section 4-16-10.
- C. An application for the renewal of an existing license shall be made to the licensing authority not less than forty-five (45) days prior to the date of expiration. No application for renewal shall be accepted by the licensing authority after the date of expiration. The licensing authority may waive the forty-five (45) day time requirement set forth in this Section C if the applicant demonstrates an adequate reason.
- D. The timely filing of a renewal application shall extend the current license until a final decision is made on the renewal application.
- E. At the time of the filing of a renewal application the licensee shall pay a renewal fee in an amount fixed by the Town Council as part of its annual budget process.
- F. The licensing authority may refuse to renew a license for good cause; provided, however, that the licensing authority shall not refuse to renew a license without holding a public hearing on the renewal application. If a public hearing on a renewal application is held, notice of such hearing shall be given to the licensee at least ten (10) days prior to the hearing.
- G. The licensee may appeal any decision of the licensing authority conditionally approving or denying its renewal application to the Town Council in writing within ten (10) days of receiving such decision notwithstanding Section 1-19-13(B) of this

Code. Any appeal shall including a written statement of the grounds for such appeal and any adverse effects that may result.

- H. An appeal to the Town Council pursuant to this Section shall be processed in accordance with Chapter 19 of Title 1 of this Code.
- I. The Town Council shall approve, conditionally approve, or deny a renewal application within thirty (30) days of the conclusion of the public hearing on the licensee's appeal.

4-16-10: SUSPENSION OR REVOCATION OF LICENSE:

- A. A solid waste hauler license may be suspended or revoked for any of the following reasons:
 - 1. Fraud, misrepresentation, or a false statement of material fact contained in the license application.
 - 2. A violation of any Town, state, or federal law or regulation pertaining to the operation of the business for which the license was issued.
 - 3. A violation of any of the terms and conditions of the license.
- B. The licensing authority shall hold a public hearing to consider whether to suspend or revoke a solid waste hauler license. A public hearing held by the licensing authority pursuant to this Section shall be held in accordance with Chapter 19 of Title 1 of this Code.
- C. In connection with the suspension of a license, the licensing authority may impose reasonable conditions.
- D. For the purpose of disciplinary action imposed pursuant to this Section, a licensee is responsible and accountable for the conduct of the licensee's employees, agents, and contractors occurring in connection with the operation of the business for which a license has been issued.
- E. In deciding whether a license should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the licensing authority shall consider all of the following:
 - 1. The nature and seriousness of the violation.
 - 2. Corrective action, if any, taken by the licensee.
 - 3. Prior violation(s), if any, by the licensee.
 - 4. The likelihood of recurrence.
 - 5. All circumstances surrounding the violation.
 - 6. Whether the violation was willful.
 - 7. The number of previous violations by the licensee.
 - 8. Previous sanctions, if any, imposed against the licensee.
- F. The licensee may appeal any decision of the licensing authority suspending or revoking its license to the Town Council in writing within ten (10) days of receiving such decision. Any appeal shall including a written statement of the grounds for such appeal and any adverse effects that may result.
- G. In connection with an appeal taken to the Town Council pursuant to this Section, Sections A – E of this Section shall apply equally to the Town Council.
- H. No fee previously paid by a licensee in connection with the application shall be refunded if such license is suspended or revoked.

4-16-11: REVIEW OF DECISIONS:

- A. Any decision of the licensing authority pursuant to this Chapter that is not appealed to the Town Council 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.
- B. Any decision of the Town Council pursuant to this Chapter 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.
- C. The applicant's or licensee's (as applicable) failure to timely appeal a decision issued by the licensing authority or the Town Council pursuant to this Chapter is a waiver the applicant's or licensee's right to contest such decision.

4-16-12: DESIGNATED DISPOSAL SITE:

- A. The Town designates the Summit County Resource Allocation Park (SCRAP) as the exclusive solid waste disposal site and facility for all solid waste generated within the Town.
- B. All solid waste generated within the Town shall be disposed of only at the Summit County Resource Allocation Park (SCRAP) unless otherwise expressly authorized in accordance with the provisions of this Chapter; provided, however, that upon request the licensing authority may exempt from this requirement, with or without conditions, a solid waste hauler who primarily transports only source separated recyclable material in accordance with the solid waste management goals and requirements of this Chapter.
- C. If the Summit County Resource Allocation Park (SCRAP) is closed during normally scheduled business hours due to a weather event, an official County holiday, or other special event, solid waste haulers are authorized during such closure to transport and dispose of solid waste in another licensed disposal facility in lieu of depositing such solid waste at the Summit County Resource Allocation Park (SCRAP).

4-16-13: PENALTIES; INJUNCTIVE RELIEF: It shall be unlawful and a misdemeanor offense for any person to:

- A. Fail or refuse to make or file any record, report, or other document required to be made or filed by this Chapter, or to make any false or fraudulent record or report, or any false or fraudulent statement in any such document.
- B. Operate as a solid water hauler anywhere within the Town without a valid solid waste hauler license, or to continue to do business during a period of suspension of such license or after such license is revoked.
- C. Dispose of any solid waste generated within the Town at any location other than the designated disposal site as required by Section 4-16-12.
- D. Any person convicted of having violated an offense described in this Section shall be punished as set forth in Chapter 4 of Title 1 of this Code.
- E. If a business is required to have a solid waste hauler license issued pursuant to this Chapter the operation of such business within the Town without a valid solid waste hauler license may be enjoined by the Town in an action brought in any court of competent jurisdiction. In any case in which the Town prevails in a civil action initiated pursuant to this Section E, the Town may recover its reasonable attorney fees plus costs of the proceeding.

4-16-14: NO TOWN LIABILITY: The adoption of this Chapter and the issuance of solid waste hauler licenses pursuant to this Chapter shall not create any duty to any person. No person shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage or loss of any kind arising out of or in any way connected with the issuance of any solid waste hauler license pursuant to this Chapter. Nothing in this Chapter shall be construed to create any liability or to waive any of the immunities, limitations on liability, or other provisions of the

Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents.

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. This Chapter shall be published as provided by Section 5.9 of the Breckenridge Town Charter and shall become effective on April 1, 2017.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 24th day of January, 2017.

This ordinance was published in full on the Town of Breckenridge website on January 27, January 28, January 29, January 30 and January 31, 2017.

A public hearing on this ordinance was held on February 14, 2017.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 14th day of February, 2017. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST: TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on February 17, February 18, February 19, February 20 and February 21, 2017. This ordinance shall become effective on April 1, 2017.

Exhibit "A"

Solid Waste Hauling License Self-Certification Form

Trash Hauling License
Self Certification Form

The applicant must initial the items below, complete and sign for self-certification:

_____ Each vehicle operated in the performance of waste hauling services, as licensed under Chapter 16 of Title 4 of the Breckenridge Town Code, is insured through a policy issued by an insurance carrier or insurer, authorized to do business in the State of Colorado, in the sum of not less than \$150,000.00 for damages for or on account of any bodily injury to or the death of each person as the result of any one accident, in the sum of not less than \$150, 000.00 for damages to the property of others as the result of any one accident, and in the total sum of not less than \$400,000.00 for or on account of any bodily injury to or the death of all persons and for the damages to the property of others.

_____ Each vehicle operated in the performance of waste hauling services, as licensed under Chapter 16 of Title 4 of the Breckenridge Town Code, is maintained in road-worthy and good condition and statements one through five below, where applicable, are correct and true.

1. All compaction and roll-off vehicles designed and used for hauling putrescible (liquid containing) wastes are leak proof at all times during operation.
2. All compaction vehicles are regularly maintained to ensure that compaction blades move freely, hopper plugs and seals are in place, in good condition (not cracked), and are leak proof.
3. Only vehicles designed to haul putrescible (liquid containing) wastes are used for this purpose. Regular pickups and flat bed vehicles are only used to haul dry wastes.
4. All open-bed or open-top vehicles are provided with a tarpaulin of sufficient size to cover all loads entirely, and to be used whenever waste is being transported to avoid littering or loss of load onto the highway.
5. If vehicles have sideboards or a tailgate, these components are constructed of permanent materials.

I have completed the information being submitted above for compliance with Chapter 16 of Title 4 of the Breckenridge Town Code and, based on information and belief formed after reasonable inquiry, I certify that the statements and information contained in this submittal are true, accurate and complete.

I am aware that failure to provide true and accurate and complete information on this self-certification form constitutes a violation of Chapter 16 of Title 4 of the Breckenridge Town Code, and is punishable by a fine of not more than two thousand six hundred fifty dollars (\$2,650.00) as adjusted pursuant to Section 13-10-113(1)(b), C.R.S.; by imprisonment not to exceed one (1) year; or by both such fine and imprisonment, for each separate violation and may also result in the suspension or revocation of my license.

Name and Address of Hauling Company:

Authorized Signature: _____

Title: _____

Printed Name: _____

Date: _____

Exhibit "B"

List of Materials Designated As Recyclables

Materials may be collected in single stream or source separated form from residential customers covered by this ordinance and shall include the following:

1. Materials: Aluminum cans, tin/steel cans, cardboard (OCC), paperboard, newspaper, magazines, catalogs, junk mail, office paper, and plastic containers #1 and #2 (may be collected separately or comingled in a single container).
2. Glass: If glass is collected, it shall be collected in a separate container or stream and volumes tracked separately.
3. Other Materials: Any other materials collected as recyclable shall be collected in source-separated containers.