



**TOWN OF
BRECKENRIDGE**

Town Council Work Session
Tuesday, January 22, 2019, 4:00 PM
Council Chambers
150 Ski Hill Road
Breckenridge, Colorado

I. PLANNING COMMISSION DECISIONS (4:00-4:05pm)

Planning Commission Decisions

II. LEGISLATIVE REVIEW (4:05-4:15pm)

2016 Certificates of Participation Fund Transfer (Resolution)

III. MANAGERS REPORT (4:15-5:00pm)

Public Projects Update

Parking and Transportation Update

Housing and Childcare Update

Committee Reports

Financials

IV. PLANNING MATTERS (5:00-6:00pm)

Child Care Advisory Committee Appointments

Sign Code Work Session

Recycling Update



Memo

To: Breckenridge Town Council Members
From: Peter Grosshuesch, Director of Community Development
Date: January 16, 2019
Subject: Planning Commission Decisions of the January 15, 2019 Meeting

DECISIONS FROM THE PLANNING COMMISSION MEETING, January 15, 2019:

CLASS A APPLICATIONS: None.

CLASS B APPLICATIONS: None.

CLASS C APPLICATIONS:

1. Village at Breckenridge Plaza Art, 655 S. Park Ave, PL-2018-0609. A proposal to install art in the Village of Breckenridge Plaza, attached to existing walls and light posts. *Approved.*

TOWN PROJECT HEARINGS: None.

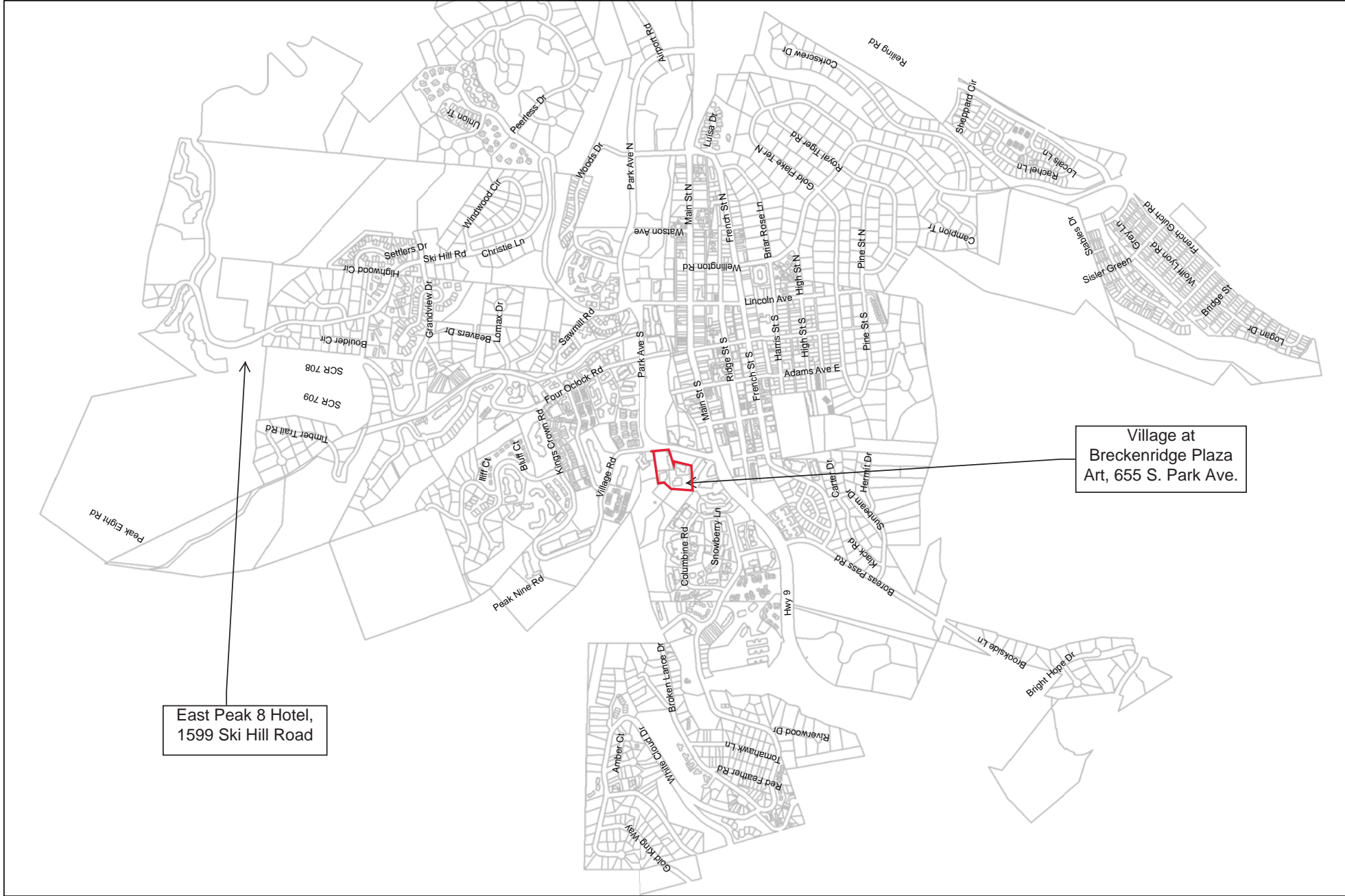
OTHER:

1. The Commission voted in favor of changing the date of the February 5th meeting to January 29th, and the April 16th meeting to April 10th; both to avoid scheduling conflicts.



NOT TO SCALE

Breckenridge South



East Peak 8 Hotel,
1599 Ski Hill Road

Village at
Breckenridge Plaza
Art, 655 S. Park Ave.

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Lowell Moore

Ron Schuman—arrived at 5:52

APPROVAL OF MINUTES

With no changes, the January 2, 2019 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

Julia requested adding one item regarding the second April PC meeting and PC agreed. With no other changes, the January 15, 2019 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

CONSENT CALENDAR:

1. Village at Breckenridge Plaza Art (CL), 655 S. Park Ave, PL-2018-0609

With no call ups, the Consent Calendar was approved as presented.

WORK SESSIONS:

1. Sign Code

Ms. Puester presented an overview of proposed code modifications in regards to signage on private property. A recent Supreme Court decision has prompted municipalities across the country to rewrite their sign code to eliminate content related references, and staff has been working with the Town Attorney to make modifications that keep key concepts similar to what exists today rather than making substantive changes to a Sign Code that staff believes is generally working well for the community and for property owners. The memo points out the primary changes. Ms. Puester reviewed the primary changes with the Commission, and asked for comments and questions.

Commissioner Questions / Comments:

Mr. Schroder: The renderings are a great addition. Helps explain signs well.

Mr. Giller: Real estate signs state owner or licensed agent or property owner. Add property management company.

Mr. Gerard: Prohibited signs, balloons are often used to mark an event, what is intent? Will this be an issue with weddings? (Ms. Puester: It is geared toward a commercial transaction; businesses. You need a permit for a permanent sign rather than balloons out at your business every weekend for example as an attention getting device.) Balloons at a storefront are not necessary. Signs on private property regulating actions in ROW? (Ms. Puester: That is proposed as prohibited. It is a new item.) So you couldn't have a sign that says no parking in the right of way? That is good to have in here. In the section for parked vehicles not to be used as signs, should say something about delivery vehicles being exempt. (Ms. Puester: Can add that. This is not intended to regulate delivery vehicles or if your home or office personal vehicles is parked at your home at night with your business

name wrapped on it.)
Mr. Lamb: Santa on Fatty's ok? (Ms. Puester: That falls under holiday decorations.)
Ms. Leidal: I thought it was very well done, thank you.

PRELIMINARY HEARINGS:

1. East Peak 8 Hotel, 1599 Ski Hill Rd, PL-2018-0576

Mr. Kulick presented a proposal to construct a hotel and condominium project consisting of 58 for sale condominiums and a four star, 137 guest room hotel. The project also includes amenity spaces, back of house support spaces, common areas, a restaurant, bar, commercial kitchen, pool and spa, ski lockers, and outdoor dining and seating. The PC reviewed a conceptual fit test for this project last summer, prior to approval of Development Agreement by the Town Council.

Per master plan, ends of Peak 8 site should be smaller than buildings to the middle. Overall density of this structure is more than Ski Hill Place. However, the East Peak 8 Hotel is broken into three different modules, none of which is as large than Ski Hill Place. Staff requests PC input if they agree with staff interpretation.

View corridors shown and we believe it meets the intent of the master plan.

Building height: 62 feet allowed from finished grade. Finished grade has been determined and noted in staff report. 73' 10" proposed and warrants -10 points per code because more than 1/2 story above recommended but less than one story higher than Code. Staff looking for PC input on whether they agree with the height measurement methodology.

Master plan requires buildings on the edges to be subordinate in height to One Ski Hill Place, the middle building in master plan. In the development agreement the applicants agreed to not exceed USGS height of the east cross gable of One Ski Hill Place building.

Longest unbroken ridgeline exceeds 50' and thus warrants -1 point under Policy 6/R.

The project steps down nicely on east adjacent to the Four O'clock neighborhood and on the north side by Ski Hill Road. However, the building does not step down on the west adjacent to One Ski Hill Place so no positive or negative points are recommended.

Buffering: Most sides have good landscaping and buffering. However, western elevation adjacent to One Ski Hill Place has little buffering and so we recommend -4 points under Policy 7/R.

Retaining walls: 10 over 4' tall so -4 points recommended, one is 19 feet tall along the right of way. Total -8 under Policy 7R.

39,000 sq. ft. snowmelt so -3 points is the maximum point allocation here.

Trash incorporated into principal structure, +1 points.

Circulation: No access off Sawmill Road, which will reduce traffic in that neighborhood. Two entrances off Ski Hill Road. One for guests and one for delivery and loading on west. Skier access easement is provided for neighbors between main bldg. and townhomes. +3 points recommended under Policy 16/R for providing public access.

Parking: A surplus of parking is provided on site. Applicant responded to the Town Council's desire for more parking. Hotel includes a large restaurant and bar and parking meets this and beyond. Altogether, they have a surplus of 242 spaces over what's required per the master plan. Two competing goals: discourage traffic on

Ski Hill Road but also provide adequate parking. We feel they cancel out and thus no positive or negative points are recommended for excess parking under Policy 16/R.

Open space provided exceeds the Code requirements of Policy 21/R.

Landscaping: 140 Evergreens and 180 deciduous trees. Good job buffering along all property sides except to the west. Would like PC input on whether this landscaping plan deserves +2 points under Policy 22/R for an above average landscaping plan.

Policy 24R: Employee housing is beyond 10% and should be awarded +10 points. Over 20,000 sq. ft. of amenities provided so +6 points recommended.

25R: shuttle service will guaranteed in perpetuity via a covenant so +4 points recommended.

33R all walkways and driveways are snow melted so -3 points are warranted. Also, the project proposes 3 outdoor fire pits so -1 point for each. Total of -6 points are recommended under Policy 33R.

Overall preliminary point analysis +5 (+30 points and -25 points) We have some questions at the end of the report for the Commission:

1. Does the Commission believe the design, which breaks the project up into 3 modules, meets the intent of the Development Plan of the Peak 8 Base section of the Master Plan as it relates to density and the Plan Components section of the Peak 8 Base section of the Master Plan as it relates to view corridors?
2. Does the Commission agree with the height measurement methodology and analysis?
3. Does the Commission have any initial comments pertaining to architecture?
4. Would the Commission support awarding positive two (+2) points for providing significant onsite parking beyond the required minimum?
5. Does the Commission support awarding positive two (+2) points for providing above average landscaping?
6. Does the Commission agree with the remaining points in the Preliminary Point Analysis?

Commissioner Questions / Comments:

Mr. Lamb: Landscaping is in the tight area next to One Ski Hill Place? (Mr. Kulick: Yes.)

Ms. Leidal: You mentioned that additional shuttles required if ADT exceeds 1,600. How will it be counted? (Mr. Kulick: There will be counters on the garage doors.) Is proposed easement just for Four O'clock people or is it public? In the past we've awarded positive points for public easements. (Mr. Kulick: Need to look into it a little further. Yes, should only be positive points if public.)

Mr. Gerard: The easements should be shown on drawings. The one that abuts the development in Four O'Clock subdivision should be looked into further. (Mr. Kulick: We will make sure they are shown on the plans next time and it is clear who is entitled to access.)

Mr. Giller: December meeting talked about architecture a lot when we approved removing "rustic" from the master plan and changed to "transitional (between rustic and contemporary)". Then we stressed that this should not be contemporary as it is shown here. (Mr. Kulick: Found the design to be transitional since it utilizes natural materials found in rustic designs such as stone bases, gabled roof forms, natural stained wood. Some traditional elements but more modern take on them.) Mr. Giller: I think the proportions are very contemporary, large masses of glass under gables and the forms. No information on the materials so hard to tell there. (Mr. Kulick: This is similar to what they presented to the Town Council during the development agreement process.)

Mike Dudick, Applicant, presented:

First, I wanted to thank the staff for a great job. We started in fall 2017 and went through long process; March of last year we couldn't get a vote on the development agreement. With revisions, we received a 7-0 vote from Council. Did the fit test with Planning Commission on 58 additional units. Then received a development agreement with Council. We will have 137 keys for a 4-Star hotel, and about 50 condos that will have lock off units with them. The lock offs will be appointed similar to hotel rooms. There are a lot of economic benefits associated with this development agreement. For workforce housing, 20,000 sq. ft. will be deed restricted, and we are committed to new housing projects across from the distillery, which includes another 48 beds beyond the 20,000 sq. ft. that are net new to the community. The BOEC will get 1,500 square feet and have the ability to move vans into building and then take elevators to get directly to the snow. Compared to what they have to do today, this is easy access. Cucumber Gulch; \$125,000 cash at CO of the building and \$2 per paid guest night will go to preservation of the Gulch. We did a voluntary restriction on the height, which I don't know if it's ever been done before. One thing from the Fit Test was for us to work with neighbors. They have ski access, and we've also abandoned Sawmill Run Road. It's been a problem for neighbors for decades because access to the Admin building has been through the residential neighborhood. Hardscape needed on west side for deliveries and trash, so no delivery needed on Sawmill. Ski easement is for perpetual access for neighbors to get from the ski resort to their neighborhood.

Traffic safeguards were a big deal when we did the development agreement. There will be laser trip counters in and out of the garage. We needed to install the counters inside the garage because we can't control what's happening outside the building. We plan to be at less than 2 vehicular trips per day per vehicle. Guests will use shuttle and leave rental cars parked for the day. And the project is well in excess of the required parking.

Sarah Broughton, Architect, Presented:

The architecture is inspired by history and place, and also in response to the master plan, Breckenridge, and Peak 8. Camps and mining era buildings that talked to clustering of different scale buildings with varying roofs and roof forms. Also iconic alpine architecture that has evolved into transitional mountain style, bridges between traditional and modern. Natural materials; stone and wood, that is warm and aesthetically pleasing. We have Grand Colorado on one end, and One Ski Hill Place, so bookending should be transitional. We had multiple community outreach meetings. Very lively. Some of the main feedback we heard was an overall thanks for being transparent and including people in process. There was a lot of positive feedback on the architecture. Concerns were mainly traffic, and that was addressed in development agreement.

Mr. Dudick:

These were open houses for the community. We feel that this process has been the most complete out of all the building processes. The view corridors; PC saw red arrows (Mr. Dudick pointed out on plans) and they are maintained today. Showed elevations with floors that were eliminated before they ever came to PC to help with stepping down of roof forms. Extensive landscaping proposed around buildings. Breaking up of building mass, it's shown in 3 pods. In aggregate this project is larger than One Ski Hill Place but no individual pod is larger than One Ski Hill Place. Architecture: in their view it's moving to less rustic than One Ski Hill Place to transition out of rustic. We are here to listen to what you have and react in the next drawings.

Commissioner Questions / Comments:

- Mr. Schroder: Is it a public deck? (Mr. Dudick: Yes with a restaurant open to the public.)
- Mr. Schuman: Do you have panoramic photo/view of this building in comparison to the BGV buildings and One Ski Hill Place-long street view? (Mr. Dudick: No, but will bring it back to next meeting. The goal is to get design elements to work for next meeting. Want to get what this body wants.)
- Mr. Giller: Would you consider different types of railing and materials? (Mr. Dudick: Yes want to get there. We need to determine it's not contemporary.)

Public Comment:

Richard Himmelstein, I have a house at 19 Peak 8 Court and a condo at One Ski Hill Place. I just had some comments. I guess some of my biggest concerns are the truck loading. Right now if you really look at how One Ski Hill access is, it's got an arc to it, and it's really difficult for truck drivers to line up, especially new truck drivers, and sometimes doing it multiple times creates a real traffic jam, and when I look at their loading docks coming in, you've got the arc of Ski Hill Road, and they've got an arc proposed here in their driveway, and I think it's going to be a problem so I just wanted to mention that issue. A couple of other issues I want to mention; I strongly recommend that we really get sidewalk circulation in the plan; I was really disappointed with Grand Colorado 1 and 2 because there's no sidewalk installed along Ski Watch Drive, and Ski Watch Drive is quite steep, and usually snow packed, and lots of people are walking along that road; not only people from the gondola but to Ski Watch Condos; Ski Watch Condos has a lot of tenants and also Grand Colorado has a lot of dog walkers and they're all on that road. Sooner or later someone is going to get injured. Another issue I wanted to mention is that there's a lot of dog waste. And I know everyone cares about Cucumber Gulch but I just think that it's another thing you guys should focus on in Planning at this point is sidewalk circulation and also dog waste because, especially time share owners, they don't seem to pick it up. I believe the Planning department said this building measures out at 72 ft. and I believe the staff report for One Ski Hill including the cupola was at 76 feet so I'm really kind of surprised that the building steps down that much from the cupola if there's only a 4 foot difference. One of my biggest issues, and I've brought it before planning before and I've wrote a letter to the mayor and Town Council, is traffic. Our traffic has gotten terrible on Ski Hill road, the past high season traffic was backed up to the Nordic Center all the way down to Park Avenue and that's before the 804 building, or what the Grand Colorado calls their number three building, even opens. And when I see how much density is being put on this site, I think we really need to figure out the infrastructure because it's really become a nightmare. One other thing I wanted to mention is the Master Plan shows this site as 3 much smaller buildings than One Ski Hill Place, and it shows those buildings as 35 feet in height and this is obviously significantly larger. One other thing on the Master Plan is it does show an entry sign, "Welcome to the Base of Peak 8", and wanted to see if that could be incorporated into this plan at this time as well. Does anyone have any questions for me? Thank you.

Jane Hamilton, I am one of the neighbors: If the restaurant is open to public, are you also opening the spa and the workout facility to the public? (Mr. Dudick: The spa.) Just personally, I've had the opportunity to meet with BGV, specifically Mike and Graham, on several occasions and they've been a delight to work with. I'm just one neighbor, so I'll speak for myself, that they've been great to work with.

Steven Kneller, property owner at Crystal Peak lodge on Peak 7 and HOA board member, and a former owner at One Ski Hill Place. I've known Graham and some of these folks for quite some time. I commend them for the work they've done on this project. It's pretty remarkable to see it coming together. But I do echo Richard's concern about traffic and loading on Ski Hill Road. I know that's not Planning Commission directly, but the number of times coming up that road and encountering significant traffic, trucks trying to back into those driveways, the construction sites, everything else, trying to get into Crystal Peak; I wonder if there's anything that can be done through you folks or Town Council to try to address the traffic flow. I know they're working on shuttle busses to bring guests up and down during peak times but I know some of the busses from Crystal Peak take a long time to get down into town which is going to discourage people from using them. Ski Hill Road being a fairly narrow, two lane road, and a lot of truck traffic deliveries being brought up there creates an ongoing problem that is not going to get any better with this development, particularly during the construction period but even post-construction with deliveries being brought up for the large restaurants and everything else. Again, I don't know what can be done; there's not much room to put in a turning lane or anything like that there, I think when you're addressing the design for that access point, careful consideration for how those trucks are going to get in and out of there and make the turn to come back down, they need a little room. In the drawings, I'm not sure you've really got enough room there right now and I think that needs to be looked into very hard. Because there's times coming up that hill where you just

want to turn around and leave.

Commissioner Questions / Comments:

- Ms. Leidal: Is a sidewalk required along Ski Hill Road in the master plan? (Mr. Kulick: Yes, it is required so no points are awarded.) Would a turning radius template help demonstrate if turn from Ski Hill Road can work? (Mr. Kulick: Yes, we'll check with Engineering.) Was there traffic study done? (Mr. Kulick: Yes, an intense study was done early on during the development agreement phase.) (Ms. Puester: Graham, was the additional parking now being proposed since then figured into that original traffic study?) (Mr. Graham Frank: The study considered all density in the master plan, proposed additional density and build out along Ski Hill Road.)
- Mr. Lamb: I like this a lot better than what we saw a year ago. Project broken up well into modules and meets master plan. Height measurement methodology is fine. Architecture, concerned but like it, railings and guard rails, need more details. We'll take a good look at next meeting. Kind of like the transition they are doing. Look at more details next meeting. Supports +2 points for parking and +2 landscaping but is so close to One Ski Hill Place it's more important to buffer on other areas and support +2. It has come a long way. Question 6, yes.
- Mr. Schroder: Yes, the design breaks into modules. Intent of master plan met by smaller modules. View corridors maintained for most part. One arrow overlapped roof at OSHP. Height measurement seems appropriate. Architecture, sees Breck forms to some degree but I like the transition. Parking, more parking is better. Smart strategic move and support +2. Landscaping, had to be toned down based on not in ROW support +2 in right places. I agree with the prelim point analysis.
- Ms. Leidal: Thanks for changes to plans. I appreciate you working with the 4 O'Clock subdivision and abandoning access from Sawmill Road. See density (modules) as two not three. Do not agree that it meets the view corridors. Now we have two modules because it's all connected. Used to be layers to look through to 4 O'Clock. I agree with the height analysis. Architecture, will need further discussion on. Same palate of materials and transition from what is out there now. Don't think it meets intent of master plan language of transitional. Show us streetscape view from Ski Hill Road mentioned by the other Commissioners. Not sure building has sense of place here in Breck. I look forward to more information. Onsite parking, not supportive of points, concerned about providing more parking up at the base. Aspen is trying to get rid of parking because it's too much. In conflict with the master plan. 200 extra spaces seems excessive. Maybe 50 extra would be ok. Landscaping, understand the loading but should provide a variety of heights not all 8' tall have some 10' and 12' to show some depth and would then consider some positive points. Also not sure positive points under 16 R for easement—needs to be public.
- Mr. Gerard: This is a tremendous improvement. The project has one big module and one little module which affects view corridors and size. Concerned. Concern that roof height has a 1/8 inch difference from max height per the Development Agreement. Couldn't we get a foot difference at least? Agrees with how height is measured. Architecture, it's interesting but too much glazing and frontage of glass, too reflective up there. Lots of modern features right now but we'll see how this progresses. Parking, do we need excessive parking up there? Traffic concern. Maybe better downtown. What's point of 200 extra parking spaces you are not going to need? Not sure on positive points for that. Landscaping fine +2 good. 4 O'Clock easement, yes it needs to be a public easement, need more information. 5' not wide enough could be chokepoint. Moving in right direction.
- Mr. Moore: Modules meet intent of master plan. View corridors—hard to build this size. Height, inch and 1/8 interesting to live with but ok. Architecture, the way it looks now like it stands alone, highly out of place. They should transition better. Parking, no problem with +2

- points. Exceeded the minimum. Landscaping with the footprints of project +2 is appropriate. Point analysis is close and support it.
- Mr. Schuman: Is broken up into 3 modules. Not really any view corridors, buildings are much higher than original 35' since the master plan so the view corridors are not there. Agrees with height measurement calculation. Staff should confirm that measurements are in comparison to One Ski Hill Place as mentioned by Mr. Himmelstien. Highest point of biggest building is only 4' higher sounds a bit silly. Architecture, beautiful on its own but wants to see streetscape and how it relates to the others up there. It is dissimilar enough to recommend negative points under 5R. Parking, could support +2 points. You're going to be reservoir for other owners and skiers needing parking. Landscaping, average job, maybe could warm up to +2 points down road as this plan develops further. Rest of points agree with. If trucks have to come up ramp with multiple deliveries at time that could be problem. Its already a problem at Buildings 1 and 2 up there. One connection to think about is to the gondola; that was what it was intended for.
- Mr. Giller: Thank you. You've worked hard on this since we saw it last. Peak 8 is special and has high quality work and want to finish it out the same. Thinks this is only 2 modules. Support height methodology. Architecture, it's contemporary and not the transition we talked about at December meeting and not like rest of Peak 8. Don't think contemporary design meets 5A or what Graham represented to us at the master plan modification in December when we allowed it to go from rustic to transitional (between rustic and contemporary). Architect could redesign to make it happen. Nothing says we can approve contemporary design and cannot approve. Parking would award +2 points. Landscaping would support +2. Agree with points analysis. Look forward with resubmittal and like you want to finish Peak 8 in high quality manner.

OTHER MATTERS:

1. Town Council Summary (Memo Only)
Code changes approved. Great job Mark and staff.
2. Date Change for First Meeting in February
Mr. Schroder made a motion to move the first February meeting from February 5th to January 29th; seconded by Mr. Schuman. The motion passed 7-0.
3. April 16 meeting conflicts with spring break. Proposes moving to Wednesday, April 10.
Mr. Schroder made a motion to move the April 16th meeting to April 10th; seconded by Ms. Leidal. The motion passed 7-0.

ADJOURNMENT:

The meeting was adjourned at 8:00 pm.

Mike Giller, Chair



Memo

To: Breckenridge Town Council
From: Brian Waldes, Finance Director
Date: 1.15.19
Subject: 2019 COP Transfer of Funds Resolution

The purpose of this memo is to explain the need for the attached Transfer of Funds memo for the 2016 Certificates of Participation (COPs).

Background

In 2016 the Town issued \$10.06M in COPs to finance the construction of the Huron Landing housing project and to refinance the balance of the 2005 COPs that funded the construction of the Breckenridge Police Department facility. The Huron Landing project costs are split by the Town and Summit County. This partnership continues, and the two entities split all net costs of operating Huron Landing, including the debt service for the 2016 COPs.

The 2016 COPs included \$8.5M in proceeds for the construction of the Huron Landing project. Construction draws total \$8,003,074.31, leaving an excess of \$496,925.69. When adding interest earnings, the funds remaining total \$540,136.06.

Next Steps

There are two options for the disposition of the remaining funds. Since the Town is the issuing party for the COPs, we have the option to use the funds for further qualified Town capital projects. The funds can also be used to meet the debt service costs for the COPs.

The Huron Landing Authority has discussed this decision and both the Town and County recommend using the remaining funds to offset the 2019 debt service expense. The attached resolution authorizes this action.

Staff will be at worksession to answer any questions Council may have.

1 **FOR WORKSESSION/ADOPTION – JAN. 22**

2
3 RESOLUTION NO. ____

4
5 Series 2019

6
7 A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS
8 (2016 Certificates of Participation)
9

10 WHEREAS, the Town of Breckenridge issued its Certificates of Participation, Series
11 2016, in the original principal amount of \$10,060,000 for purposes that included funding the
12 construction of the Huron Landing housing project; and
13

14 WHEREAS, the construction of the Huron Landing housing project has been
15 substantially completed, and the total cost of construction has been determined; and
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17 WHEREAS, after the payment of all costs of construction the Huron Landing housing
18 project funds remain the Construction Fund that was established in connection with the
19 Certificates of Participation (“Construction Fund”); and
20

21 WHEREAS, it is necessary and appropriate for the Town Council to authorize the
22 transfer of all funds remaining in the Construction Fund to the Base Rentals Fund that was also
23 established in connection with the Certificates of Participation (“Base Rentals Fund”).
24

25 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
26 BRECKENRIDGE, COLORADO:
27

28 Section 1. All funds remaining in the in the Construction Fund shall be transferred to the
29 Base Rentals Fund.
30

31 Section 2. The Town’s Finance Director, or his designee, is authorized to sign such
32 certificates or other documents as may be required to complete the transfer of funds from the
33 Construction Fund to the Base Rental Fund authorized by this resolution. The Town Council
34 hereby ratifies and confirms, in advance, any such certificates or other documents signed by the
35 Town’s Finance Director, or his designee, pursuant to the authority granted by this Section 2.
36

37 Section 3. This resolution is effective upon adoption.
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39 RESOLUTION APPROVED AND ADOPTED this ____ day of ____, 2019.
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41 TOWN OF BRECKENRIDGE
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45 By: _____
46 Eric S. Mamula, Mayor

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ATTEST:

Helen Cospolich, CMC,
Town Clerk

APPROVED IN FORM

Town Attorney Date

Town of Breckenridge North Water Treatment Plant

Prepared by M. Petters/HDR Engineering, Inc.



Finished Water Pump Station 11/02/2018



Raw Water Pump Station 11/07/2018

November 2018

Contractor:
Moltz Construction, Inc.

Designer:
HDR Engineering, Inc.
Tetra Tech

Award Date:
December 8, 2017

Notice to Proceed:
December 15, 2017

Notice to Mobilize:
March 21, 2018

Substantial Completion Date:
August 3, 2020

Original Duration: 867 Days

Days Added by CO: 0

Time Percent Complete: 29.3 %

Cost Percent Complete: 34.5 %

Guaranteed Maximum Price:
\$42,000,000

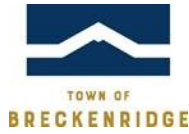
Change Order Total: \$38,605

Current Contract Value: \$42,038,605

Invoiced to Date: \$14,507,341

Cost Growth: 0.001%

Schedule Growth: 0 Days



Schedule and Budget Status

Moltz Construction Inc. (MCI) has completed work for 34.5% of the project value within 29.3% of the available contract time. Their current schedule update shows them completing the contract on time.

Five Change Orders have been issued to date on the project. There have been 11 Work Change Directives, 24 Change Proposal Requests and 22 Field Orders initiated on the project.

Accomplishments/Highlights

At the Administration Building: Sierra Blanca roughed in the sanitary sewer pipe in the rest rooms and the laboratory. Mendoza worked on the exterior wall panels. Moltz welded the supports for the structural steel beams at the mezzanine over the laboratory. Coblaco coated the interior structural steel.

At Residuals Building: Rumbler Rebar continued tying and setting pre-assembled steel reinforcing mats.

At the Raw Water Pump Station: Mendoza installed the exterior wall panels and the roof panels.

At the Clearwell/Finished Water Pump Station: MCI has set the shoring in Clearwells 1 and 2. They currently are decking Clearwell 1.

At the Clearwell/Finished Water Pump Station: MCI has completed the suspended slabs over Clearwell 1 and 2. They have placed the steel reinforcing and the in slab electrical conduits at the Finished Water Pump Station.

At the Treatment Building (WTP): MCI has completed forming and placing the walls of Filters 1 and 2 and the south walls of Filters 3, 4 and 5.

At the Administration Building: Mendoza Construction completed the roof panels and installed most of the upper exterior wall panels. They have installed approximately half of the lower wainscot panels.

At the Water Treatment Plant: MCI continues work on the filters, filter pipe gallery walls. MCI completed placing the Main Building exterior footings and will continue forming and placing stem walls. They placed and finished the PACL concrete support, as well.

Stan Miller completed the Raw Water Pipeline at Seldom Acres.

Construction Accomplishments and Milestones

Town of Breckenridge

Second Water Treatment Plant

11/01/2018- Raw Water Pump Station Structural Steel Frame



11/02/2018- Filter Wall Pipes



Town of Breckenridge

Second Water Treatment Plant

11/07/2018- Filters Wall Placing



11/12/2018- Raw Water Pipeline



Town of Breckenridge
Second Water Treatment Plant

11/12/2018- Wet Well Shoring



11/13/2018- Clearwell 1&2 Steel Reinforcing



Town of Breckenridge
Second Water Treatment Plant

11/14/2018- Administration Building Plumbing



11/15/2018- Administration Building Painting



Town of Breckenridge
Second Water Treatment Plant

11/20/2018- Clearwell 1&2 Placing
Concrete



11/21/2018- RWPS Roof Panels



Town Of Breckenridge
Second Water Treatment Plant

11/27/2018- Residuals Building Reinforcing
Steel



11/27/2018- Removing Planking at Filter Wall



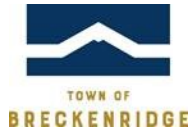
Town of Breckenridge
Second Water Treatment Plant

10/27/2018- Finished Water Pump Station
In Slab Conduits



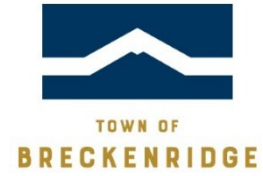
11/28/2018- Clearwell 1&2 Finishing Concrete





Upcoming Activities/Milestones	Planned Date
At the Administration Building: Sierra Blanca will continue roughing in sanitary sewer and potable water plumbing.	Ongoing
At the Administration Building: Mendoza will install the Mezzanine Structural Steel.	12/17/2018
At the Administration Building Mendoza will complete the exterior wall and roof paneling.	12/20/2018
At the Raw Water Pump Station: Mendoza will complete the wall and roof panels.	12/6/2018
At the Finished Water Pump Station/Clearwell: MCI will complete placing the suspended slab concrete.	12/11/2018
At the Treatment Building: MCI will complete the filter walls.	12/5/2018
At the Treatment Building: MCI will backfill west of the Sedimentation Basins and start placing the main slab on grade concrete.	12/3/2018
At the Treatment Building: MCI will resume forming and placing the remaining stem walls	Ongoing

Memo



To: Breckenridge Town Council Members
From: Shannon Haynes, Assistant Town Manager
Date: 1/16/2019
Subject: Breck Forward Update

Below is a brief update on Parking and Transportation projects. Staff will add new projects to this list as they are developed and discussed with Council.

Active Projects - New Updates

Dynamic Parking Wayfinding (Work Session 1-22-19)

Schedule: Per last meeting's discussion on parking wayfinding, Staff has implemented changes to the digital message sign and installed six (6) new parking wayfinding signs for guidance to the Airport Road lot. For the digital sign, the sign panels that are programmed to display once both Gondola Lots and F-Lot are full were edited to have a larger font and added arrows. Staff is also working on a request to CDOT for additional messages to be approved in our permit and updates to the mobile application that is used by staff to control the digital sign.



For 2019, two additional digital signs are planned to be installed. One on the south end of Town (south of Boreas Pass Rd), and the second just south of the Huron Rd/SH9 intersection. Planning and design efforts for the next level of wayfinding are also planned for 2019 and will kick-off later this year.

Budget:

	2019	Total
P&T Fund	\$1M	\$1M
Total Budget		\$1M

Pedestrian Counts on 4 O’Clock Road and Village Road Sidewalks (Work Session 1-22-19)

Schedule: In December of 2018 Public Works purchased a pedestrian counter. The counter was deployed on the south side sidewalk of 4 O’clock Road from December 24th, 2018 to 31st, 2018. During this time 8,989 pedestrians were counted. The counter was deployed on the south side sidewalk of Village Road from December 31st, 2018 to January 8th, 2019. During this time 12,131 pedestrians were counted. This baseline data will be used to evaluate pedestrian trends as well as note the effectiveness of any pedestrian improvements we do in the future. The data illustrated below further break down the pedestrian activity.

	<p>4 O’Clock Rd Period Analyzed: Monday, December 24, 2018 to Monday, December 31, 2018</p>	
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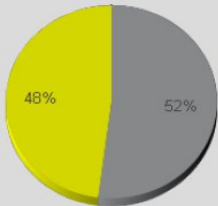
GPS coordinates not filled-in.
 You can enter GPS coordinates in the counter's Eco-Visio file.

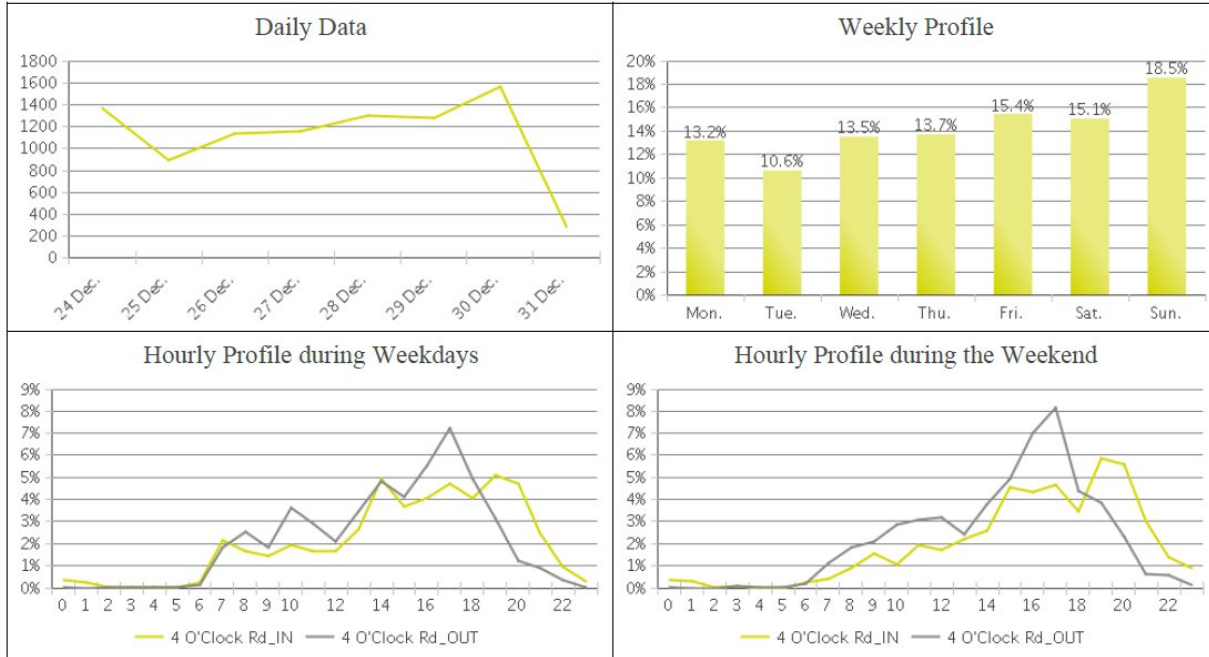


No picture available.
 You can add a picture to the counter's Eco-Visio file.

Key Figures

- Total Traffic for the Period Analyzed: 8,989
- Daily Average: 1,124
 Weekdays: 1,025 / Weekend days: 1,421
- Busiest Day of the Week: Sunday
- Busiest Days of the Period Analyzed:
 1. Sunday, December 30, 2018 (1,568)
 2. Monday, December 24, 2018 (1,361)
 3. Friday, December 28, 2018 (1,302)
- Distribution by Direction:
 - IN: 48%
 - OUT: 52%





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You can enter GPS coordinates in the counter's Eco-Visio file.

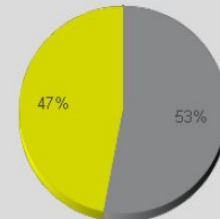


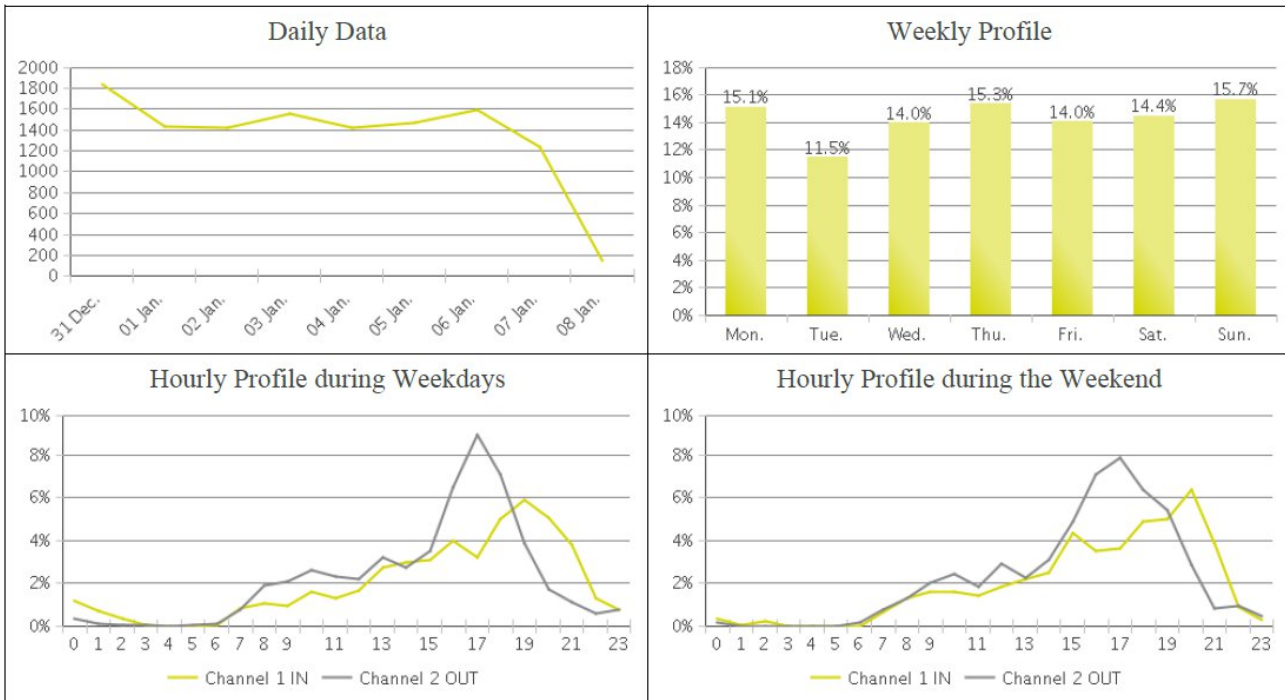
No picture available.
You can add a picture to the counter's Eco-Visio file.

Key Figures

- Total Traffic for the Period Analyzed: 12,131
- Daily Average: 1,348
Weekdays: 1,295 / Weekend days: 1,532
- Busiest Day of the Week: Sunday
- Busiest Days of the Period Analyzed:
 1. Monday, December 31, 2018 (1,841)
 2. Sunday, January 06, 2019 (1,594)
 3. Thursday, January 03, 2019 (1,559)
- Distribution by Direction:

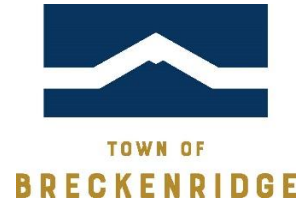
■ IN: 47%
■ OUT: 53%





No updates:

- Sidewalk Master Plan Implementation (Work Session 6-26-18)
- River Walk Pedestrian Improvements (Work Session 6-26-18)
- Riverwalk Garage (Work Session 4-10-18)
- Village Road and Park Ave Roundabout
- Transit Enhancements (Work Session 10-24-17)
- Transit Stop Shelters (Work Session 9-26-17)
- Purple B Route Improvements (Work Session 11-28-17)



Memo

To: Breckenridge Town Council Members
From: Jennifer McAtamney
Date: 12/27/2018
Subject: December 12, 2018 Child Care Advisory Meeting Report

The Child Care Advisory Committee held a regular meeting on December 12th, 2018. Committee members present included, Laura Amedro, Scott Perlow, Bradley Ragan, Mary Jo Zweig, and Dick Carleton. Greta Shackelford, Johanna Gibbs, Joyce Ruderman, Jay Homola, and Mary Jo Zweig had conflicts and were unable to attend. Staff from Town of Breckenridge included Jennifer McAtamney & Peter Grosshuesch.

APA Recommendations

As a follow up to our October and November, meetings where we prioritized the program recommendations the group compiled a final list of program improvements to support the Town Council and Program Goals.

The following items rose to the top of that list and will be incorporated as strategies and activities to help support our overall program goals.

- Address Capacity Issues
- Competitive benefit packages for teachers
- A housing assistance program to aid and assist Recruitment
- Hire a shared Grant Writer
- Implement online calculator for families applying for assistance for 2019/20
- Track child outcomes in partnership with Summit School District
- Have Kindergarten teachers share importance and impact of early childhood education with Town Council and for our webpages

Now that these top priorities are identified staff will work integrate them into our overall program goals and develop a work plan to track the progress of each.

Provider Agreements

As part of our program, we renew our Provider Agreements with our partner schools annually. In preparation for sending out our 2019 contracts, we reviewed the agreement, metrics and accountability measures that we have in place with our partner schools. The committee determined that there were no updates needed at this time.

2019 Committee Appointments

We have four committee member terms that are expiring in January. We will be posting notice in the Summit Daily and on the Town's website. Interested candidates should apply by the deadline of January 9th. Interviews will be conducted January 10 – 15 with a slate of candidates to be presented to Town Council for appointment to 3-year terms.

Carriage House Renovations

Work has begun on next set of renovations at the Carriage House. Plans are in place for moving and combining classrooms as this project will require some work to be done during the schools operating hours. All efforts have been made to minimize this disruption. We anticipate completion of the new classroom and renovations to be done in early 2019.

Carriage House received grant of \$12,000 from Epic Promise for the Lobby Renovation. This project will be the final phase after the Classroom expansion and renovation project the town has funded. The cost of the lobby renovation is estimated at \$50,000 and will not commence until the required funds have been secured. We are working with staff there to identify additional grant opportunities through the county and state. This phase will provide a secure and energy efficient entrance to the school as well as provide office space for staff and an ADA accessible check in area for parents.

Summit PreK Update

Preparations for rolling out Tuition Credits as part of the Summit Pre-K program are in full swing. Applications will be available starting on December 17. Outreach and application nights are planned for after the holidays in order to get all eligible children enrolled by January 15th.

Outreach & Partnership Updates

City of Chicago

The Mayor of Chicago and Act for Children created an early childhood committee to work on the professionalization of the workforce and they have reached out to learn more about our efforts here in Breckenridge. Jennifer will be presenting to that working committee in early January.

Workforce Moonshot Grant

In our partnership planning grant with Early Childhood Options (ECO), we are going to pilot our first back off essential services position. The four centers in Breckenridge will be collaborating with ECO to build a job description for a full time human resources generalist and grant writer. This position would also be charged with looking into how we can offer competitive benefits to teachers in the field of ECE. Working with ECO, we have secured funding for this position for a full year to test it in the field. We are also working with Mathematica, the technical support organization for grant program to document our processes and determine how to measure the impacts of this new position.

San Miguel County

Jennifer presented to the Bright Future in San Miguel County. They were interested in our tuition assistance program

Early Childhood Council – Workforce Presentation

Lucinda Burns and I presented our work on EC Cares and the Moonshot grant to the Statewide Early Childhood Conference. They were particularly interested in our Invest in Teacher’s program and EC Cares as a way to move the needle to professionalize the ECE Workforce.

Survey Monkey Apply Case Study

Survey Monkey has done a case study on our use of their software for our Tuition Assistance Program and how it has streamlined the application process and enabled us to collect important demographic and other pertinent data as part of our application process.

Housing Committee Minutes

Date: Tuesday, January 8th, 2019

Time: 2:00 – 3:00 PM

Location: Town Hall-Planning Conference Room

Attendees: Rick Holman, Wendy Wolfe, Gary Gallagher, Peter Grosshuesch, Mark Truckey, Laurie Best, Nichole Rex

Programs and Strategies:

- Housing Strategies Moving Forward – Committee Goals

The committee discussed the Housing Program Goal and Work Plan for 2019. The following table displays the goal, the objectives, and strategies for meeting our goal. The strategies that are printed in bold will be the main projects that will be discussed with the Housing Committee and are new priorities for this year. The strategies that are not in bold print are strategies that staff is already working on and has been discussed with the committee. Staff will discuss the committee notes with Council during the Housing Update during worksession on January 22nd. We look forward to your feedback on the housing goals.

AREA of FOCUS: Workforce Housing		
GOAL: 47% of the Breckenridge workforce lives in Town and there is a diversity of housing types and prices for locals (sufficient to preserve the sense of community and support the local economy)		
2019 OBJECTIVES		SLT LEAD
1	Pursue different strategies to increase the number of deed restricted units (newly constructed units as well as existing units) while reducing the costs associated with new deed restrictions and increasing private sector participation	Peter
	<ul style="list-style-type: none"> • Continue to construct Breck365 and continue to plan for future projects (Block 11, Stillson, Public Works Site, Stan Miller). Projects to be evaluated based on current need, capacity, and budget. • Conduct a market study that identifies the demand for different products in Town. • Further develop and productize an InDeed Program-cash or incentive for private sector (we already do this but, need to establish program parameters and market the program). Scope of the program may include, but is not limited to: <ul style="list-style-type: none"> ○ Buy down strategies to preserve existing units ○ ADU program ○ Rehabilitation program ○ Long term rental incentives ○ Public Private Partnerships – Private Sector Incentives • Continue to explore more land bank opportunities. 	
2	Develop housing programs, data, policies, and guidelines that support the goal of housing 47 % of our workforce	Peter
	<ul style="list-style-type: none"> • Gather information regarding the percentage of workforce living in Town to determine if the 47% threshold goal is still valid and if necessary revise the goal. • Gather specific information on the loss of units in Town (a local housing census) to identify current use/occupancy of all housing units and monitor change over time. • Identify the impact of STRs on housing demand (jobs created). • Continue to research Housing Mitigation Methodologies (Code)-private sector participation • Formalize Housing Guidelines – a document that will formalize rules, regulations, processes, and practices in the deed restrictions and Housing Program. • Develop Maintenance/Capital Improvement Schedule. • Investigate Subordination Policy (Lenders). • Work with SCHA on creating a one-stop-shop/clearinghouse for buyers, sellers, tenants, landlords, and improve resale oversight. • Continue to improve administrative efficiencies and consolidate record keeping. • Enhance program website and outreach/communication. • Continue to develop and advance oversight and management processes for housing inventory. 	

Policies:

No Update

Project Updates:

No Update

Ongoing

Future:

Inventory Management and Project Oversight Updates:

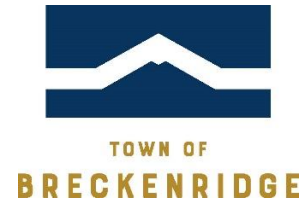
– Foreclosure Updates

42 Union Mill – Foreclosure sale was posted for January 11th, 2019. The unit was sold and did not go into foreclosure.

Financials/Proforma Updates: No Update

What's Happening in Housing: No Update

Other Matters: No Update



Memo

To: Breckenridge Town Council Members
From: Rick Holman, Town Manager
Date: 1/16/2019
Subject: Committee Reports

SUMMIT STAGE ADVISORY BOARD

January 9th, 2019

James Phelps

Ridership Summary December 2018

- Total December 2018 fixed-route ridership was 205,548, a 3.54% increase from December 2017 fixed-route ridership of 198,519.
- Ridership on the Lake County Commuter Route for December 2018 was 4,062 – an increase of 46.4% from December 2017 ridership of 2,774.
- December 2018 ridership on the Blue River Commuter Route was 1,361, an increase of 250.1% over the December 2017 ridership of 544.
- December 2018 paratransit ridership was 510 trips, compared to 576 trips in December 2017, a decrease of 11.5%.

Ridership Summary 2018

- Total 2018 fixed-route ridership was 1,690,182, a 3.46% decrease from 2017 fixed-route ridership of 1,750,921.
- Ridership on the Lake County Commuter Route for 2018 was 32,475 – an increase of 13.8% from 2017 ridership of 28,527.
- 2018 ridership on the Blue River Commuter Route was 8,379, an increase of 0.5% decrease from the 2017 ridership of 8,427.

Summary of Operating Costs December 2018

- Operating expenses for December 2018 are still being finalized by the Finance Department- we will present a 2018 year-end budget report at our February 2019 meeting.
- Total maintenance costs in December 2018 were \$60,867 compared to \$81,444 in December 2017.
- December 2018 fuel costs were \$57,512 compared with \$51,443 in December 2017.

Summit County Mass Transit Sales Tax Receipts August 2018

- Due YE closing there information regarding tax Receipts

Other Matters

- New proposal on terms

- Allow all representatives appointed by the County whose terms would traditionally expire in 2019 to continue serving on the Advisory Board regardless of current standing.
 - The BOCC will approve all odd-year appointments and representatives in May or June for the 2-year term beginning July 1, 2019.
 - Even-year appointments will be approved together by the BOCC in 2020 for that 2-year term.
 - Towns and ski areas will continue to appoint their own representatives, but terms will be adjusted to expire on June 30 of the appropriate year.
- General discussion about potential future routes. There is new construction in Silverthorne and Dillon and should the Stage be looking at adding new stops and another Transit Center at Dillon Ridge.
 - There was brief discussion that a route to Kremmling may need to be added
 - It was agreed to do a more intensive discussion at the July retreat
 - Park County Commuter Route – still aiming for a 4/21/2019 start date.

Committees*	Representative	Report Status
CAST	Mayor Mamula/ Erin Gigliello	No Meeting/Report
CDOT	Rick Holman	No Meeting/Report
CML	Rick Holman	No Meeting/Report
I-70 Coalition	Rick Holman	No Meeting/Report
Mayors, Managers & Commissioners	Mayor Mamula/ Rick Holman	No Meeting/Report
Liquor and Marijuana Licensing Authority	Helen Cospolich	<i>Included as a separate attachment</i>
Summit Stage Advisory Board	James Phelps	Included
Police Advisory Committee	Chief Jim Baird	No Meeting/Report
CMC Advisory Committee	Rick Holman	No Meeting/Report
Recreation Advisory Committee	Scott Reid	No Meeting/Report
Workforce Housing Committee	Laurie Best	No Meeting/Report
Child Care Advisory Committee	Jennifer McAtamney	<i>Included as a separate agenda item</i>
Breckenridge Events Committee	Shannon Haynes	No Meeting/Report
Transit Advisory Committee	Jennifer Pullen	No Meeting/Report
Water Task Force	Gary Gallagher	No Meeting/Report
Communications	Haley Littleton	No Meeting/Report

***Note:** Reports provided by the Mayor and Council Members are listed in the Council agenda.



**TOWN OF BRECKENRIDGE
LIQUOR & MARIJUANA LICENSING
AUTHORITY
ANNUAL REPORT
2018**

Authority Members:

**Jeri Beth Katz, Chair
David Blank, Vice-Chair
Leigh Girvin
Timothy Faust
Hal Vatcher
Turk Montepare, Alternate**

Number of liquor applications acted upon: 133

- New License/Public Hearing: 5
- Transfer of Ownership: 6
- Renewals: 97
- Modification of Premises: 13
- Change of Manager: 4
- Change of Trade Name: 4
- Change of Corporate Structure: 4

In addition to the applications above, the Town Clerk approved forty-seven (47) special event liquor permits.

Public Hearings – New Liquor Licenses

Next Ventures LLC d/b/a Aurum Food & Wine Breckenridge
209 S. Ridge St.
Hotel & Restaurant License

Breckenridge Creative Arts d/b/a Breckenridge Creative Arts
136 S. Main St.
Arts License

Peak Resort Management LLC d/b/a Grand Colorado on Peak 8
1627 Ski Hill Road
Tavern License

El Loco Sakara INC d/b/a The Blue Fish at Breckenridge
112 Lincoln Ave.
Hotel & Restaurant License

Marriott Resorts Hospitality Corporation d/b/a Marriott Resorts Hospitality Corporation
655 Columbine Rd.
Lodging & Entertainment License

Number of active liquor licenses: 107

Number of liquor licenses denied: 0

Number of marijuana license applications acted upon: 9

- Renewals: 7
- Modification of Premises: 1
- Change of Corporate Structure: 1

Number of active marijuana establishments: 4

Number of marijuana licenses denied: 0

Other highlights and actions during the past year:

On April 17, 2018, the Liquor & Marijuana License Authority (LMLA) adopted a resolution amending the schedule of fees to be collected by the Town of Breckenridge.

There were no hearings held for violations for Liquor or Marijuana licensees in 2018.

Submitted by:

_____/s/_____
Taryn Power, CMC, Deputy Town Clerk

_____/s/_____
Jeri Beth Katz, Chair
Town of Breckenridge Liquor & Marijuana
Licensing Authority

_____/s/_____
Helen Cospolich, CMC, Town Clerk
and ex-officio Clerk to the Liquor &
Marijuana Licensing Authority



TOWN OF
BRECKENRIDGE

November 30, 2018 Financial Reports

Department of Finance

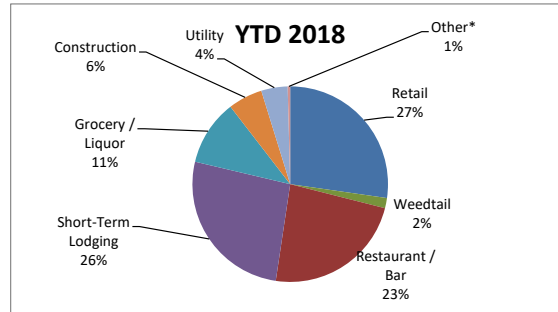
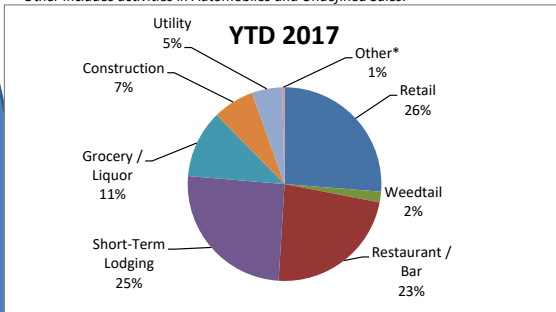


The Tax Basics: October & November 2018

Net Taxable Sales by Industry-YTD

Description	YTD 2015	YTD 2016	YTD 2017	2017		2017/2018		2018
				% of Total	YTD 2018	\$ Change	% Change	
Retail	\$111,304,480	\$121,100,867	\$126,518,162	26.25%	\$143,167,209	\$16,649,048	13.16%	27.27%
Weedtail	\$6,944,783	\$8,179,205	\$8,602,358	1.78%	\$8,845,875	\$243,517	2.83%	1.69%
Restaurant / Bar	\$94,415,990	\$103,329,967	\$110,609,235	22.95%	\$122,874,123	\$12,264,888	11.09%	23.41%
Short-Term Lodging	\$107,400,753	\$119,754,448	\$122,174,792	25.35%	\$138,222,198	\$16,047,406	13.13%	26.33%
Grocery / Liquor	\$49,826,562	\$53,030,690	\$54,554,068	11.32%	\$56,928,333	\$2,374,265	4.35%	10.84%
Construction	\$27,256,713	\$29,767,292	\$33,202,477	6.89%	\$29,833,869	(\$3,368,608)	-10.15%	5.68%
Utility	\$24,138,619	\$23,344,907	\$24,404,693	5.06%	\$22,909,077	(\$1,495,616)	-6.13%	4.36%
Other*	\$1,547,517	\$2,139,329	\$1,925,328	0.40%	\$2,182,738	\$257,410	13.37%	0.42%
Total	\$422,835,416	\$460,646,705	\$481,991,112	100.00%	\$524,963,422	\$42,972,309	8.92%	100.00%

* Other includes activities in Automobiles and Undefined Sales.



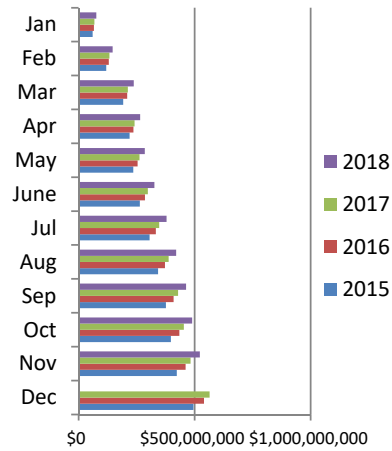
New Items of Note:

- October net taxable sales are currently ahead of October 2017 by 7.13%, and November 2018 net taxable sales are ahead of prior year by 13.90%
- For October 2018, there were increases in the Weedtail (2.53%), Retail (26.25%), Construction (6.20%), and Restaurant/Bar (5.43%) sales sectors. The increase in Retail sales is attributed to an increase in the number of filings as compared to prior year.
- For November 2018, there were increases in Weedtail (10.96%), Retail (19.09%), Restaurant/Bar (23.22%), Short Term Lodging (20.67%), & Grocery (4.71%) sales sectors over November 2017.
- Disposable Bags distributed experienced a decrease of 2.13% in October 2018 and 0.81% in November 2018 over prior year. The decrease in October 2018 is being attributed to the Grocery/Liquor sales sector decrease over prior year, -4.41% respectively.

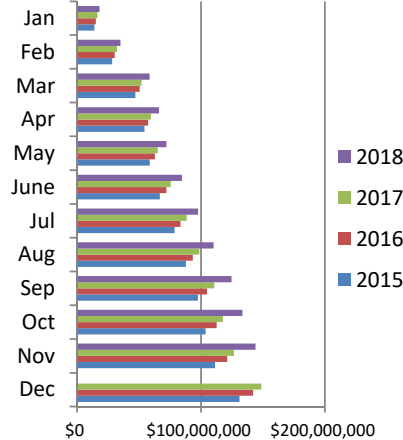
Continuing Items of Note:

- For the Construction sector in January 2015, a large one-time return was filed in relation to a single project. This was an anomaly that would not be expected to repeat in future years. In January of 2016, there was a large one time assessment impacting the sector.
- As previously noted, the decline in the Utility sector is largely related to the recent decrease in gas and electric billings. This is also due to warming temperatures.
- In 2014, a new category was added to the Sales by Sector pages for the Weedtail sector. The category encompasses all legal marijuana sales, regardless of medical or recreational designation
- A section on Disposable Bag Fees was added in 2014.
- Taxes collected from the customer by the vendor are remitted to the Town on the 20th of the following month.
- Quarterly taxes are reported in the last month of the period. For example, taxes collected in the first quarter of the year (January – March), are include on the report for the period of March.
- Net Taxable Sales are continually updated as late tax returns are submitted to the Town of Breckenridge. Therefore, you may notice slight changes in prior months, in addition to the reporting for the current month.
- "Other" sales relate to returns that have yet to be classified. Much of this category will be reclassified to other sectors as more information becomes available.

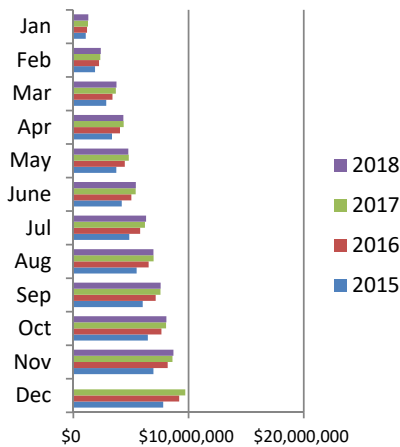
Net Taxable Sales by Sector - Town of Breckenridge Tax Base



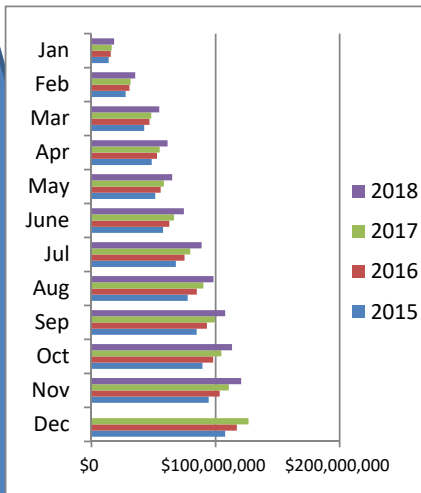
Total Net Taxable Sales					% change
	2015	2016	2017	2018	from PY
Jan	\$60,023,363	\$65,802,624	\$67,796,402	\$76,021,590	12.13%
Feb	\$58,741,575	\$63,833,922	\$64,760,379	\$70,257,812	8.49%
Mar	\$73,118,590	\$79,667,088	\$79,411,029	\$90,959,182	14.54%
Apr	\$27,410,469	\$26,869,536	\$28,624,390	\$27,877,793	-2.61%
May	\$15,658,620	\$17,805,725	\$21,489,664	\$20,096,968	-6.48%
Jun	\$28,739,345	\$31,662,174	\$35,781,762	\$41,363,914	15.60%
Jul	\$42,081,737	\$46,932,211	\$48,870,314	\$52,074,085	6.56%
Aug	\$36,563,530	\$39,073,049	\$40,974,836	\$44,186,414	7.84%
Sep	\$33,499,160	\$37,539,781	\$40,503,670	\$42,563,708	5.09%
Oct	\$21,567,161	\$24,724,775	\$24,963,263	\$26,741,958	7.13%
Nov	\$25,431,867	\$26,735,820	\$28,815,404	\$32,819,998	13.90%
Dec	\$71,702,082	\$79,724,898	\$82,357,403	\$0	n/a
Total	\$494,537,498	\$540,371,603	\$564,348,516	\$524,963,422	



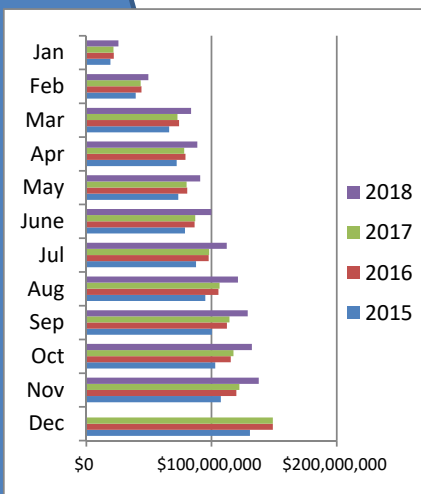
Retail					% change
	2015	2016	2017	2018	from PY
Jan	\$13,998,522	\$15,132,776	\$16,440,671	\$18,102,889	10.11%
Feb	\$14,240,511	\$15,161,579	\$15,695,872	\$16,922,969	7.82%
Mar	\$18,822,022	\$20,127,547	\$19,919,359	\$23,416,592	17.56%
Apr	\$7,281,848	\$6,857,887	\$7,452,502	\$7,615,518	2.19%
May	\$4,302,676	\$5,521,353	\$5,549,000	\$5,990,639	7.96%
Jun	\$8,092,703	\$9,288,185	\$10,429,916	\$12,472,680	19.59%
Jul	\$11,901,209	\$11,326,615	\$12,903,944	\$13,131,966	1.77%
Aug	\$9,097,833	\$9,931,109	\$10,294,002	\$11,642,766	13.10%
Sep	\$9,741,255	\$11,450,382	\$11,915,570	\$14,412,657	20.96%
Oct	\$6,173,161	\$7,779,902	\$7,019,804	\$8,862,366	26.25%
Nov	\$7,652,739	\$8,523,532	\$8,897,522	\$10,596,167	19.09%
Dec	\$19,753,306	\$20,862,636	\$22,045,056	\$0	n/a
Total	\$131,057,785	\$141,963,504	\$148,563,218	\$143,167,209	



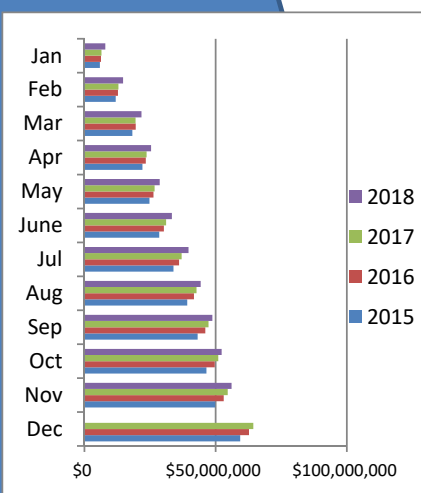
Weedtail					% change
	2015	2016	2017	2018	from PY
Jan	\$1,069,983	\$1,181,014	\$1,263,370	\$1,299,492	2.86%
Feb	\$809,146	\$1,045,184	\$1,076,236	\$1,077,296	0.10%
Mar	\$976,179	\$1,170,045	\$1,343,407	\$1,360,559	1.28%
Apr	\$496,701	\$647,524	\$683,486	\$603,052	-11.77%
May	\$376,877	\$424,305	\$436,712	\$432,876	-0.88%
Jun	\$463,026	\$561,981	\$608,808	\$646,541	6.20%
Jul	\$659,118	\$768,474	\$798,038	\$884,964	10.89%
Aug	\$638,780	\$731,985	\$756,690	\$804,530	6.32%
Sep	\$524,591	\$607,308	\$596,781	\$624,657	4.67%
Oct	\$453,781	\$499,149	\$484,253	\$496,522	2.53%
Nov	\$476,602	\$542,237	\$554,576	\$615,385	10.96%
Dec	\$846,691	\$1,013,140	\$1,112,445	\$0	n/a
Total	\$7,791,474	\$9,192,345	\$9,714,804	\$8,845,875	



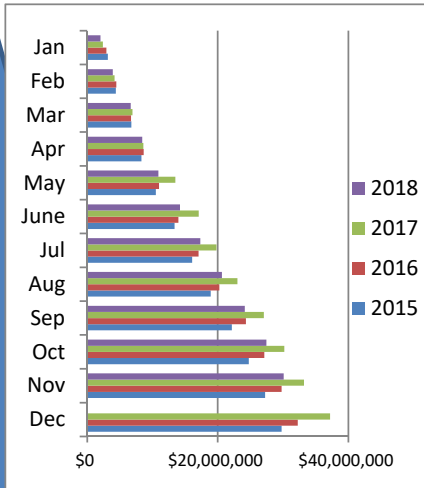
Restaurant / Bar					
	2015	2016	2017	2018 from PY	% change
Jan	\$13,757,283	\$15,420,296	\$16,276,306	\$18,113,738	11.29%
Feb	\$13,618,840	\$15,065,159	\$15,181,858	\$17,105,472	12.67%
Mar	\$15,042,121	\$16,112,662	\$16,595,811	\$19,308,728	16.35%
Apr	\$6,024,685	\$6,064,174	\$6,821,901	\$6,767,406	-0.80%
May	\$2,805,424	\$3,001,520	\$3,448,281	\$3,614,373	4.82%
Jun	\$6,313,126	\$6,963,372	\$8,089,688	\$9,485,924	17.26%
Jul	\$10,367,272	\$12,231,535	\$13,124,240	\$14,352,235	9.36%
Aug	\$9,608,649	\$9,947,952	\$10,631,602	\$11,804,252	11.03%
Sep	\$7,153,442	\$8,109,315	\$9,211,502	\$9,417,036	2.23%
Oct	\$4,605,454	\$5,123,843	\$5,227,314	\$5,511,062	5.43%
Nov	\$5,119,695	\$5,290,140	\$6,000,732	\$7,393,897	23.22%
Dec	\$13,248,488	\$13,796,003	\$15,895,058	\$0	n/a
Total	\$107,664,478	\$117,125,970	\$126,504,293	\$122,874,123	



Short-Term Lodging					
	2015	2016	2017	2018 from PY	% change
Jan	\$19,182,327	\$21,935,475	\$21,590,426	\$25,617,012	18.65%
Feb	\$20,152,677	\$22,070,711	\$21,766,114	\$23,862,804	9.63%
Mar	\$26,777,427	\$30,023,579	\$29,381,050	\$34,168,404	16.29%
Apr	\$5,950,092	\$5,135,347	\$5,327,746	\$5,012,307	-5.92%
May	\$1,386,810	\$1,450,045	\$2,008,505	\$2,288,570	13.94%
Jun	\$5,252,954	\$5,830,767	\$6,824,475	\$8,968,960	31.42%
Jul	\$8,916,990	\$11,266,522	\$11,179,832	\$12,184,471	8.99%
Aug	\$7,399,007	\$7,751,976	\$8,257,043	\$9,435,784	14.28%
Sep	\$5,219,698	\$6,768,410	\$7,935,902	\$7,819,381	-1.47%
Oct	\$2,709,619	\$3,068,724	\$3,256,303	\$3,256,629	0.01%
Nov	\$4,453,152	\$4,452,893	\$4,647,397	\$5,607,874	20.67%
Dec	\$23,256,675	\$29,202,057	\$26,747,466	\$0	n/a
Total	\$130,657,428	\$148,956,505	\$148,922,258	\$138,222,198	



Grocery / Liquor					
	2015	2016	2017	2018 from PY	% change
Jan	\$5,825,759	\$6,250,584	\$6,450,303	\$7,922,442	22.82%
Feb	\$6,069,614	\$6,449,794	\$6,475,853	\$6,724,274	3.84%
Mar	\$6,296,838	\$6,769,678	\$6,527,831	\$7,034,396	7.76%
Apr	\$3,836,903	\$3,850,758	\$4,195,465	\$3,682,388	-12.23%
May	\$2,724,433	\$2,928,950	\$3,063,908	\$3,281,704	7.11%
Jun	\$3,735,382	\$3,960,786	\$4,342,262	\$4,636,919	6.79%
Jul	\$5,388,915	\$5,839,136	\$5,923,764	\$6,327,790	6.82%
Aug	\$5,231,601	\$5,625,836	\$5,715,123	\$5,543,491	-3.00%
Sep	\$3,997,242	\$4,322,032	\$4,525,953	\$4,435,616	-2.00%
Oct	\$3,344,571	\$3,623,882	\$3,724,937	\$3,560,652	-4.41%
Nov	\$3,375,304	\$3,409,252	\$3,608,668	\$3,778,662	4.71%
Dec	\$9,500,929	\$9,661,918	\$9,752,150	\$0	n/a
Total	\$59,327,490	\$62,692,608	\$64,306,218	\$56,928,333	

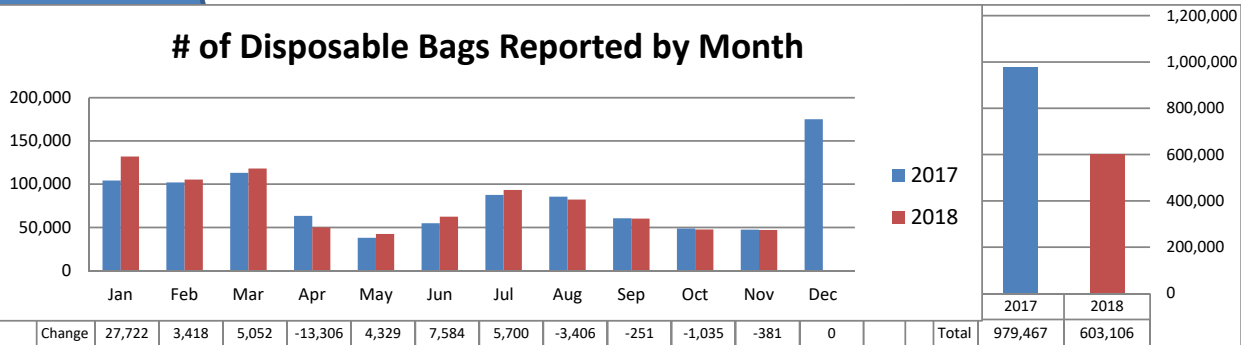


Construction					
	2015	2016	2017	2018 from PY	% change
Jan	\$3,142,768	\$2,930,914	\$2,398,824	\$2,033,286	-15.24%
Feb	\$1,232,799	\$1,520,592	\$1,769,306	\$1,887,086	6.66%
Mar	\$2,385,327	\$2,262,792	\$2,765,004	\$2,731,986	-1.19%
Apr	\$1,539,706	\$1,923,258	\$1,652,902	\$1,768,205	6.98%
May	\$2,193,144	\$2,353,384	\$4,919,462	\$2,474,678	-49.70%
Jun	\$2,870,200	\$2,974,258	\$3,564,860	\$3,304,812	-7.29%
Jul	\$2,698,078	\$3,091,802	\$2,732,756	\$3,121,155	14.21%
Aug	\$2,841,883	\$3,187,750	\$3,191,971	\$3,046,862	-4.55%
Sep	\$3,248,244	\$4,049,856	\$4,061,746	\$3,509,627	-13.59%
Oct	\$2,604,251	\$2,823,165	\$3,121,078	\$3,314,510	6.20%
Nov	\$2,500,314	\$2,649,520	\$3,024,568	\$2,641,664	-12.66%
Dec	\$2,508,730	\$2,484,830	\$3,997,148	\$0	n/a
Total	\$29,765,442	\$32,252,122	\$37,199,625	\$29,833,869	

Disposable Bag Fees

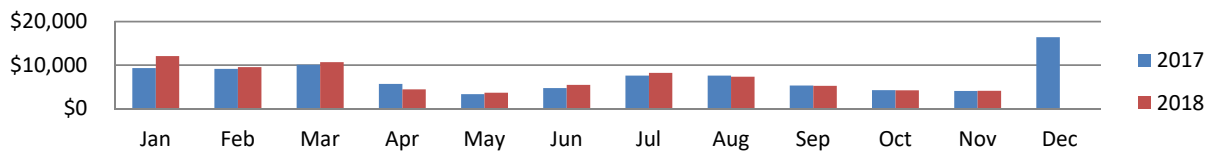
The Town adopted an ordinance April 9, 2013 (effective October 15, 2013) to discourage the use of disposable bags, achieving a goal of the SustainableBreck Plan. The \$.10 fee applies to most plastic and paper bags given out at retail and grocery stores in Breckenridge. The program is intended to encourage the use of reusable bags and discourage the use of disposable bags, thereby furthering the Town's sustainability efforts. Revenues from the fee are used to provide public information about the program and promote the use of reusable bags.

of Disposable Bags Reported by Month



Bag Fees Remitted by Month

*Net of Retained Percentage**



*Retailers are permitted to retain 50% of the fee (up to a maximum of \$1000/month through October 31, 2014; changing to a maximum of \$100/month beginning November 1, 2014) in order to offset expenses incurred related to the program. The retained percent may be used by the retail store to provide educational information to customers; provide required signage; train staff; alter infrastructure; fee administration; develop/display informational signage; encourage the use of reusable bags or promote recycling of disposable bags; and improve infrastructure to increase disposable bag recycling.

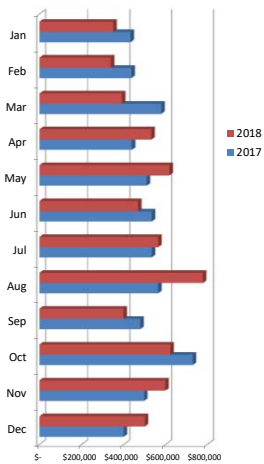
Real Estate Transfer Tax

New Items of Note:

- Revenue for the month of November was ahead of prior year by 8.81%, and ahead of the monthly budget by \$45,956.
- Revenue for the month of December was ahead of prior year by 25.15%, and ahead of the monthly budget by \$84,601.
- For the year, revenue finished ahead of prior year by 0.44%, and surpassed budget by \$1,164,300.
- Single Family Home sales accounted for the majority of the sales (37.16%), with Condominium sales in the second position of highest sales (25.02%) subject to the tax. Timeshares sales were in third position with sales (20.33%) in sales level for the year.
- 2018 YTD churn ended the year 5.23% above 2017.

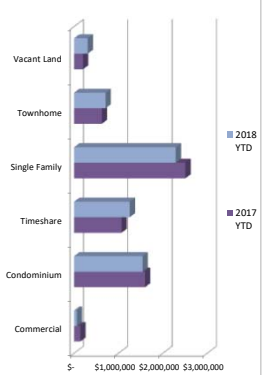
Continuing Items of Note:

- 2018 Real Estate Transfer Tax budget is based upon the monthly distribution for 2016.



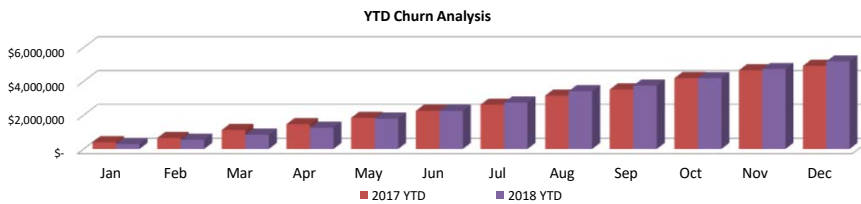
Total RETT						
	2016	2017	2018	% change	2018 budget	+/- Budget
Jan	\$293,839	\$432,416	\$350,102	-19.04%	\$280,375	\$69,726
Feb	\$338,604	\$436,537	\$338,813	-22.39%	\$323,089	\$15,724
Mar	\$407,901	\$579,302	\$391,670	-32.39%	\$389,211	\$2,458
Apr	\$418,228	\$439,375	\$532,220	21.13%	\$399,065	\$133,155
May	\$389,525	\$510,213	\$618,610	21.25%	\$371,678	\$246,932
Jun	\$351,831	\$533,957	\$468,350	-12.29%	\$335,711	\$132,639
Jul	\$363,545	\$533,735	\$564,797	5.82%	\$346,888	\$217,909
Aug	\$593,429	\$564,623	\$778,848	37.94%	\$566,238	\$212,610
Sep	\$551,616	\$478,875	\$398,296	-16.83%	\$526,341	-\$128,045
Oct	\$515,748	\$730,352	\$622,750	-14.73%	\$492,116	\$130,633
Nov	\$579,565	\$497,655	\$598,966	20.36%	\$553,010	\$45,956
Dec	\$436,266	\$400,126	\$500,878	25.18%	\$416,277	\$84,601
Total	\$5,240,098	\$6,137,166	\$6,164,300		\$5,000,000	

*December # are as of 12/31/2018



by Category					
Description	2017 YTD	2018 YTD	\$ change	% change	% of Total
Commercial	\$ 139,645	\$ 62,098	(77,547)	-55.53%	1.01%
Condominium	1,598,638	1,542,428	(56,210)	-3.52%	25.02%
Timeshare	1,069,469	1,253,303	183,834	17.19%	20.33%
Single Family	2,507,631	2,290,687	(216,944)	-8.65%	37.16%
Townhome	623,406	709,460	86,054	13.80%	11.51%
Vacant Land	198,378	306,324	107,946	54.41%	4.97%
Total	\$ 6,137,166	\$ 6,164,300	27,133	0.44%	100.00%

* YTD as of December 31st

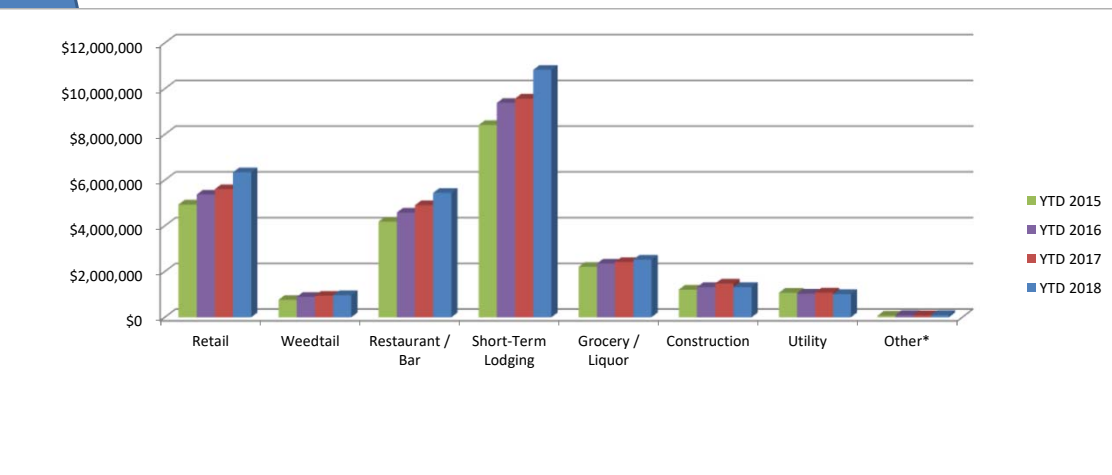
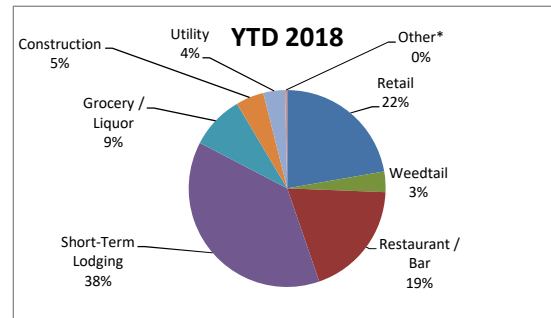
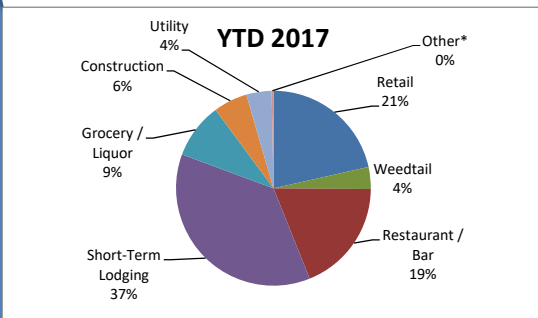


TAXES DUE - SALES, ACCOMMODATIONS, AND MARIJUANA TAXES

Tax Due by Industry-YTD

Description	YTD 2015	YTD 2016	YTD 2017	2017		2017/2018		2018
				% of Total	YTD 2018	\$ Change	% Change	
Retail	\$4,930,788	\$5,364,768	\$5,604,755	21.50%	\$6,342,307	\$737,553	13.16%	22.23%
Weedtail	\$759,065	\$893,987	\$940,238	3.61%	\$966,854	\$26,616	2.83%	3.39%
Restaurant / Bar	\$4,182,628	\$4,577,518	\$4,899,989	18.80%	\$5,443,324	\$543,335	11.09%	19.08%
Short-Term Lodging	\$8,409,479	\$9,376,773	\$9,566,286	36.70%	\$10,822,798	\$1,256,512	13.13%	37.93%
Grocery / Liquor	\$2,207,317	\$2,349,260	\$2,416,745	9.27%	\$2,521,925	\$105,180	4.35%	8.84%
Construction	\$1,207,472	\$1,318,691	\$1,470,870	5.64%	\$1,321,640	(\$149,229)	-10.15%	4.63%
Utility	\$1,069,341	\$1,034,179	\$1,081,128	4.15%	\$1,014,872	(\$66,256)	-6.13%	3.56%
Other*	\$68,555	\$94,772	\$85,292	0.33%	\$96,695	\$11,403	13.37%	0.34%
Total	\$22,834,645	\$25,009,949	\$26,065,303	100.00%	\$28,530,416	\$2,465,114	9.46%	100.00%

* Other includes activities in Automobiles and Undefined Sales.



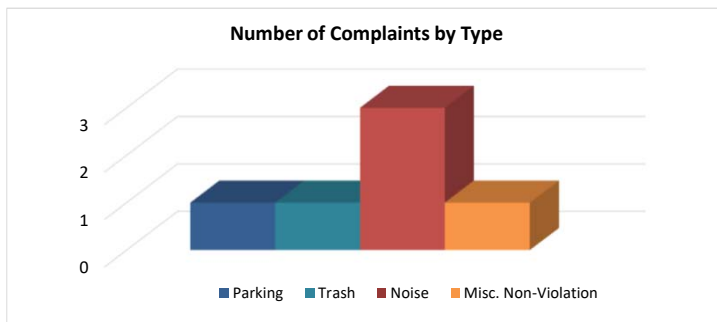
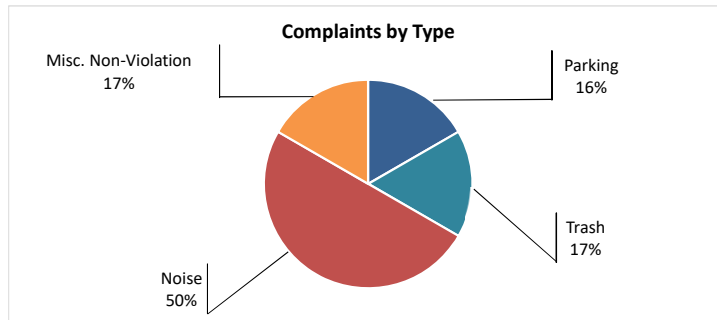
Items of Note:

- The general sales tax rate includes the 2.5% Town sales tax + 1.93% County sales tax distributed to the Town.
- The Short -Term Lodging sector includes an additional 3.4% accommodation tax.
- Weedtail includes an additional 5% marijuana tax (recreational and medical). The 1.5% distribution from the State is also included in this category. While the State distribution is only due on recreational sales, the majority of weedtail sales are recreational and the distribution has been applied to the entire sector.
- Report assumptions include: applying tax specific to a sector to the entire sector, as well as assuming the same tax base across the State, County, and Town taxes due. As a result, the numbers indicated above are a rough picture of taxes due to the Town and not an exact representation. Additionally, the data is representative of taxes due to the Town and not necessarily taxes collected year to date.

The Short Term Rental Basics

Complaints Made by Type		
Complaint Type	Total Calls	Percentage
Parking	1	17%
Trash	1	17%
Noise	3	50%
Misc. Non-Violation	1	17%
Total	6	100%

* "Misc. Non-Violation" includes complaints **not** concerning Parking, Trash, or Noise.

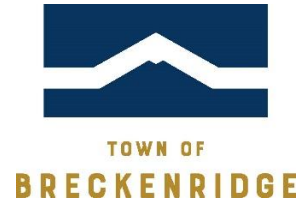


* January #s are as of 1/15/2019

New Items of Note:

- STR Helper Hotline began accepting calls on January 1, 2019.
- The number to lodge a complaint is (970)-368-2044.
- The STR Helper Hotline number was shared with the public through the Council Update Newsletter, Facebook, and Twitter.
- The Town of Breckenridge will be collaborating with all Jurisdictions in Summit County in June 2019 on a county wide marketing campaign.
- This report will be provided to Town Council on a monthly basis.





Memo

To: Breckenridge Town Council Members
From: Jennifer McAtamney
Date: 1/15/2019
Subject: Child Care Advisory Committee Appointment Recommendations

The Child Care Advisory Committee had four member terms expiring on January 31, 2019. We advertised the vacancies in the Summit Daily, on the Town Website and through social media. We received three letters of interest, all from existing committee members who had terms expiring and are recommending them for re-appointment for three-year terms (February, 1 2019 – January 31, 2022). The applicants we are recommending for appointment are:

- Heather Garcia
- Johanna Gibbs
- Joyce Ruderman

We excited to have these committee members back to continue the momentum with our work around business logistics, administration of the tuition assistance program as well as childcare operations, outreach, quality care standards, and program policies.



Memo

To: Breckenridge Town Council Members
From: Julia Puester, AICP, Planning Manager
Date: January 14, 2019 for January 22, 2019
Subject: Worksession: Signs on Private Property

Background

Staff has been working with the Town Attorney on a Sign Code modification for signage on private property in response to a recent Supreme Court decision. This case decision, *Reed v. Town of Gilbert* is requiring most municipalities across the country to rewrite their sign code to eliminate content related references. The decision allows for signs to be regulated in regards to size, materials, etc., but not based on the sign's written content or the type of sign it is (e.g. political vs. commercial). This is particularly true for signs on private properties. The Town has some additional discretion when regulating signage that occurs on Town property, and as such, staff had decided to separate regulations regarding signage on private property and signage on Town property. In 2016, the Town Council approved an ordinance for signage on Town Owned Property. The draft ordinance for this worksession is the second piece to the Sign Code revisions, Signs on Private Property.

The approach that staff has been working with on the Sign Code modifications is to keep the key concepts of the Sign Code similar to what exists today rather than making many substantive changes to a Sign Code that staff believes is generally working well for the community and for property owners.

The primary changes include:

- Renaming of all sign types that were content-based to an action on the property or physical attribute (e.g. *'real estate sign'* to *'One sign on the property not larger than four square feet in size when the property is being offered for rent or lease through a licensed real estate agent or by the property owner'*).
- Moving the Sign Code from Title 8 *Building Regulations* to Chapter 9 *Land Use and Development*.
- Modified review processes and fees to be consistent with the Development Code. A Class C for a new master sign plan and Class D minor for a minor master sign plan modification and an individual sign permit.
- Added leaning signs and marquee signs to *Prohibited Signs*.
- Added more detail to election related signs.
- Clarified that alternative materials which mimic wood grain relief are allowed.
- Added that sign lighting must comply with Chapter 12 *Exterior Lighting*.
- Removed *'Subdivision Sign'* and replaced with *'Gateway Entrance Monument Sign'* reference to be consistent with Policy 47A *Fences, Gates and Gateway Entrance Monuments*.
- Added a reference to Murals.
- Added to the Prohibited Sign section: *Signage on private property that can reasonably be interpreted as attempting to regulate signs on public property including but not limited to, parking and speed limits*.
- Inserted new descriptive color graphics.

Planning Commission Recommendation

The Planning Commission reviewed the attached draft at their January 15th meeting and are in support of the proposed Sign Code.

Town Council Direction

Staff will be available to answer any questions or concerns at the meeting. Should Town Council support the attached Sign Code changes, a first reading will be scheduled.

1
2 ***DRAFT January 16, 2019 DRAFT***
3

4 AN ORDINANCE ADOPTING CHAPTER 15 OF TITLE 9 OF THE BRECKENRIDGE
5 TOWN CODE CONCERNING SIGNS ON PRIVATE PROPERTY; AND MAKING
6 CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE
7

8 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,
9 COLORADO:
10

11 Section 1. Title 9 of the Breckenridge Town Code is amended by the addition of a new
12 Chapter 15, which shall read as follows:
13

14 **CHAPTER 15**

15 **SIGNS ON PRIVATE PROPERTY**
16
17

18 **SECTION:**

19 **Part A – Introduction**
20

- 21
22 9-15-1: Short Title
23 9-15-2: Authority
24 9-15-3: Legislative Findings and Purpose
25 9-15-4: Regulatory Scope
26

27 **Part B – Definitions and Interpretation**
28

- 29 9-15-5: Definitions
30 9-15-6: Interpretation
31

32 **Part C – General Policies**
33

- 34 9-15-7: General Policies for Sign Regulation
35 9-15-8: Sign Permit Required - Generally
36 9-15-9: Exempt Signs
37 9-15-10: Actions That Do Not Require A Permit
38 9-15-11: Prohibited Signs
39

40 **Part D – Sign Permit Process**
41

- 42 9-15-12: Permit Process
43 9-15-13: Variances
44 9-15-14: Master Sign Plan

2019 SIGN CODE ORDINANCE

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Part E – Sign Size and Location Rules

- 9-15-15: Signs on Commercial Properties
- 9-15-16: Signs on Industrial Properties
- 9-15-17: Additional Signage Allowed

Part F – Sign Design Standards

- 9-15-18: Sign Design Standards – Generally
- 9-15-19: Sign Maintenance
- 9-15-20: Standards for Specific Types of Signs
- 9-15-21: Nonconforming Signs
- 9-15-22: Abandoned Signs

Part G – Enforcement

- 9-15-23: Enforcement; Lien
- 9-15-24: Penalties and Remedies

Part H – Miscellaneous

- 9-15-25: Disclaimer of Liability
- 9-15-26: Rules and Regulations

Part A – Introduction

9-15-1: SHORT TITLE: This Chapter is to be known and may be cited as the “Town Of Breckenridge 2019 Sign Code,” or the “Breckenridge Sign Code.”

9-15-2: AUTHORITY: This Chapter is adopted by the Town Council pursuant to the following authority:

- A. Section 31-15-103, C.R.S. (concerning municipal police powers);
- B. Section 31-15-401, C.R.S. (concerning general municipal police powers);
- C. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
- D. The Local Government Land Use Control Enabling Act of 1974, Part 1 of Article 20 of Title 29, C.R.S.;
- E. The authority granted to home rule municipalities by Article XX of the Colorado Constitution; and

1
2 F. The powers contained in the Breckenridge Town Charter.
3

4 **9-15-3: LEGISLATIVE FINDINGS AND PURPOSE:**
5

6 A. The Town Council finds and determines as follows:
7

8 1. The Town is widely known for its high mountain setting, its natural beauty, and its
9 aesthetic charm.

10
11 2. The Town's economy is tourist-based, and it is essential to the continued economic
12 vitality of the Town that the aesthetic appeal of the Town be preserved and enhanced.
13

14 3. If not properly regulated, signs can create a distraction for motorists and pedestrians,
15 impede traffic circulation, and contribute to accidents.
16

17 B. The primary purpose of this Chapter is to create a legal framework for a
18 comprehensive and balanced system of signage in the Town. These regulations are
19 intended to provide an easy and pleasant communication between people and their
20 environment, and to avoid visual clutter that is potentially harmful to traffic and
21 pedestrian safety, property values, business opportunities, and community appearance.
22

23 C. This Chapter is adopted specifically to serve the public interest by:
24

25 1. Encouraging signs that maintain and enhance the unique aesthetics, beauty, and charm
26 of the Town.
27

28 2. Protecting and enhancing the economic viability of the Town's commercial areas by
29 attempting to assure the Town's continued aesthetic appeal to the residents and the many
30 tourists who annually visit the Town.
31

32 3. Promoting the use of aesthetically pleasing sign materials, colors, designs, and types.
33

34 4. Encouraging signs that are architecturally and cosmetically compatible with the
35 surrounding area, and that are of a quality design and character that do not detract from
36 the overall appearance of the Town.
37

38 5. Enhancing traffic and pedestrian safety by attempting to ensure that signage does not
39 distract motorists or pedestrians, or obstruct or otherwise impede traffic circulation.
40

41 6. Protecting the Town's Historic District, including that portion of the Town designated
42 by the Secretary of the Interior as a National Historic District, by avoiding damage to
43 the Town's sense of history, and by reinforcing the character of the Town's Historic
44 District and its visual elements.

1
2 7. Assisting in wayfinding, and promoting the efficient communication of messages.

3
4 8. Enhancing the overall property values in the Town by discouraging signs that
5 contribute to the visual clutter of the streetscape.

6
7 9. Implementing the Town of Breckenridge Comprehensive Plan, one goal of which is to
8 protect the unique and highly valuable aesthetic character of the Town, as well as
9 protecting the public by encouraging traffic safety.

10
11 10. Providing fair and consistent enforcement of this Chapter.

12
13 D. In adopting this Chapter it is the intent of the Town to address problems caused by
14 signs wholly apart from any message conveyed by signs, and to protect and promote the
15 Town's compelling governmental interests in a way that is unrelated to the topic
16 discussed, the idea or message conveyed, the speaker's viewpoint, or any other content of
17 the message displayed on a sign. It is neither the purpose nor the intent of this Chapter to
18 stymie any sign because of the Town's disagreement with the message or idea it conveys.

19
20 **9-15-4: REGULATORY SCOPE:**

21
22 A. This Chapter applies to all signs and sign structures that are located on private
23 property within the Town, except as otherwise provided in this Chapter.

24
25 B. Signs and sign structures located on private property within the Town are subject to
26 any safety and construction requirements of the Town's building and technical codes.

27
28 C. Signs located on Town-owned property are regulated by Title 11, Chapter 8 of this
29 Code.

30
31 **Part B – Definitions and Interpretation**

32
33 **9-15-5: DEFINITIONS:**

34
35 A. Words or phrases defined in the Town's Development Code (Title 9, Chapter 1 of this
36 Code) apply to this Chapter unless such definition conflicts with a definition in this
37 Chapter.

38
39 B. Where terms are not defined, they shall have their ordinary accepted meanings within
40 the context that they are used.

41
42 C. As used in this Chapter, the following words have the following meanings:

43
ACCENT: Twenty five percent or less of the area of a sign.

ADVERTISE: The nonpersonal communication of information usually paid for and usually persuasive in nature about products, services, or ideas by identified persons.

ATTENTION GETTING DEVICE: Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention to a commercial use if visible by the general public. “Bistro lights” and “Decorative Lights” as defined in Section 9-12-7 of this Code are not an attention getting device.

BANNER SIGN: A strip of cloth or other flexible material on which a sign or message is placed.

BUILDING FRONTAGE: The length of a building facing a street or alley or, where a mall exists, building frontage means that portion of the mall that is parallel to the street. In the case of a corner lot, the building frontage may be either of the street frontages, but not both, at the option of the property owner. Where a property is tandem with another lot and has no frontage on a public street, the adjacent tandem property shall be disregarded, and the building frontage means the facade of the building nearest the public street. A depiction of building frontage is as follows:



BUILDING OFFICIAL: The Building Official of the Town, or such person’s designee acting pursuant to Section 1-7-2 of this Code.

BUILDING AND TECHNICAL CODES: The Town’s building and technical codes adopted by Title 8, Chapter 1 of this Code.

BUSINESS: A commercial use of real property for which a valid business and occupational (BOLT) license has been issued under Title 4, Chapter 1 of this Code.

COMMERCIAL MESSAGE SIGN: A sign that contains primarily a commercial message.

COMMERCIAL USE: Has the meaning provided in Section 9-1-5 of this Code.

CONSERVATION DISTRICT: Has the meaning provided in Section 9-1-5 of this Code.

COPY (MESSAGE OR CONTENT): Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof located on a sign.

CORNER LOT: A lot bounded on two sides by streets that intersect with each other.

DAY: A calendar day, unless a business day is specified. A “business day” is a day that the offices of the Town of Breckenridge are open for business.

DIRECTORY SIGN: A sign that serves as a common or collective identification of two (2) or more uses on the same property and which may contain a directory to the uses as an integral part thereof or may serve as a general identification for such developments as shopping centers, industrial parks, and similar uses. An example of a directory sign is as follows:



DEPARTMENT: The Town’s Department of Community Development.

DIRECTOR: The Town’s Director of Department of Community Development, or such person’s designee acting pursuant to Section 1-7-2 of this Code.

DISPLAY BOX: A freestanding or wall sign located immediately outside of or near

the entrance to a restaurant, bar, or lounge.

ELECTRONIC MESSAGE SIGN:

A sign that uses LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as “electronic message centers,” “message centers,” and “electronic signs.”

FLAG:

A sign containing a noncommercial message that is typically made of cloth and is displayed outdoor by being hung on a pole or hung from a building.

FLASHING SIGN:

A sign that has lights or illumination that flashes, has a reflective surface, rotates, revolves, oscillates, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. An electronic message sign is not a flashing sign.

FREESTANDING SIGN:

A permanent sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or which is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. The term includes a “pole sign,” “pedestal sign,” and “ground sign.” An example of a freestanding sign is as follows:



GARDEN LEVEL:

The floor of a building located more than fifty percent below average grade with an exterior entry accessing such level as depicted below:



GOVERNMENT SIGN:

A sign that is the expression of the federal or any state or local governmental entity when erected and maintained according to law and includes, but is not limited to, traffic control devices that are erected and maintained to comply with the Manual of Uniform Traffic Control Devices adopted by the State of Colorado.

GATEWAY ENTRANCE MONUMENT:

Has the meaning provided in Section 9-1-5 of this Code.

HISTORIC DISTRICT:

Has the meaning provided in Section 9-1-5 of this Code.

HISTORIC PLAQUE:

A sign placed on the outside of a building or structure that has received designation as a landmark under the Town's Historic Preservation Ordinance (Title 9, Chapter 11 of this Code), or applicable federal law.

INDUSTRIAL USE:

Has the meaning provided in Section 9-1-5 of this Code.

INTERNALLY LIT SIGN:

An indirect source of light which illuminates a sign by shining through a translucent surface of a sign, lit from an internal light source or gas (e.g., neon, argon).

LEANING SIGN:

A one sided sandwich board sign support by another object such as a building or tree.

LOT:

A parcel of real property designated with a separate and distinct number or letter on a recorded plat filed with the Summit County Clerk and Recorder, or when not so platted, a parcel of real property occupied or intended to be occupied by a building and all allowed accessory structures, held in unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership.

MARQUEE SIGN: A tall roof like projection above a theater entrance, usually containing the name of a currently featured play or film and its stars. An example of a marquee sign is as follows:



MASTER SIGN PLAN: A sign plan for an office or commercial building that contains three or more separate businesses, which plan includes the number, size, description, and location (but not the content) of all signs located, or to be located, in or upon such property.

MOBILE SIGN: A sign or signage placed on or wrapped onto a vehicle or by other mobile means of travel.

MONUMENT SIGN: A freestanding sign with a base, including any portion of the sign or supporting structure that exceeds two (2) square feet in ground area. An example of a monument sign is as follows:



MOVING SIGN: A sign that moves or simulates motion.

MURAL: Has the meaning provided in Section 9-1-5 of this Code.

NONCOMMERCIAL MESSAGE SIGN: A sign that contains primarily a noncommercial message.

NONCOMMERCIAL MESSAGE:	Any message that is not a commercial message.
ON-PREMISES SIGN:	A commercial message sign that advertises a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished, or that is available on the property where the sign is located.
OFF-PREMISES SIGN:	A commercial message sign that does not advertise a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished, or that is available on the property where the sign is located.
PERMANENT SIGN:	A sign that is to be placed or erected for an indefinite period of time pursuant to a permit issued under this Chapter. Permanent signs are typically made of durable material such as wood or material that mimics wood such as high density urethane, glass, or metal.
PUBLIC AREA:	Any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, transportation facilities, schools, places of amusement, parks, playgrounds, and the outdoor common areas of public and private buildings and facilities.
PUBLIC ENTRANCE:	An entrance into a business that is unlocked and available for use by the general public for access to and egress from the business during regular business hours. A “deliveries only” entrance is not a public entrance.
PUBLIC RIGHT OF WAY:	A public street or alley.
REFLECTIVE SURFACE:	Any material or device that has the effect of intensifying reflected light, including, but not limited to, Scotchlite, Day-Glo, glass beads, mirrors, highly reflective metals and luminous paint.
RESIDENTIAL USE:	Has the meaning provided in Section 9-1-5 of this Code.
REVIEWING AUTHORITY:	The Director with respect to all permit application submitted under this Chapter, except an application for a Master Sign Plan permit. The reviewing authority for a Master Sign Plan permit application shall be the Planning Commission.

ROOF SIGN: A sign painted on the roof of a building, or supported by poles, uprights, or braces extending from the roof of a building, or projecting above the roof of a building, but not including a sign projecting from or attached to a wall.

SANDWICH BOARD SIGN: A sign that is constructed with two pieces of nonreflective metal, blackboard, whiteboard, or wood or similar material, connected at the top, which pieces form a triangular shape and are self-supporting; also known as an “A-frame” sign. An example of a sandwich board sign is as follows:



SEASONAL DECORATION: Temporary, noncommercial decorations or displays erected or displayed only on a seasonal basis, when such are clearly incidental to the primary use of the building.

SEPARATE FRONTAGE: A second building frontage, parallel and adjacent to a public right of way and on the opposite side of a building’s primary frontage, that includes a public entrance.

SIGN: A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform, and includes the sign structure. Signs are either permanent or temporary, and may contain a noncommercial message or a commercial message. Clothing is not a sign. A mural painted on a structure is not a sign subject to this Chapter, but is regulated by the Development Code.

SIGN AREA OR SURFACE AREA: The surface area of a sign, as determined by the Director, including its facing, copy, insignia, background, and borders, that is described by a combination of plane geometric figures.

SIGN ON PROPERTY UNDER DEVELOPMENT: A sign erected in connection with the development of real property.

SIGN OWNER:	The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required, or for which no sign permit has been obtained, “sign owner” means the person entitled to possession of such sign, the owner, occupant, or agent of the property where the sign is located, and any person deriving a pecuniary benefit from the sign.
SIGN STRUCTURE:	All supports, uprights, braces, housings, mounting devices, and framework of a sign to the extent necessary to support the sign.
STATUARY SIGN:	Any sign which is a modeled or sculptured likeness of a living creature or inanimate object.
STREET:	The entire width of every dedicated public way owned or controlled by the Town.
STRUCTURE:	Anything that is built or constructed with a fixed location, but does not include utility poles, lines, cables or other transmission or distribution facilities of public utilities, or structures associated with a wireless communications facility as defined in the Town’s Development Code.
TEMPORARY SIGN:	A sign that is not a permanent sign.
TOWN-OWNED PROPERTY:	Has the meaning provided in Title 11, Chapter 8 of this Code.
TRAFFIC CONTROL DEVICE:	A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.
WALKING SIGN:	Any sign that is carried by any person while walking on a public street or sidewalk that is visible from a public right of way, adjacent property, or a public area.
WALL SIGN:	Any sign attached to, or erected against the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
WINDOW SIGN:	A sign that is painted on, applied, or attached to a window. Merchandise that is a part of a window display is not a window sign.

WINDOW SIGN WRAP:

A sign that extends horizontally across a business window or series of business windows that is placed towards the top or bottom of the window so as not to detract from the inside display of merchandise. An example of an allowed window wrap sign is as follows:



WOOD RELIEF SIGN:

A carved sign constructed of wood and other similar materials that replicate wood with a three-dimensional (3-D) textured surface that is integral to its design, such as extensively carved, routed, or sandblasted signs. A wood sign with a simple raised or routed border, or simple raised or routed letters, shall not constitute a wood sign with relief.

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9-15-6: INTERPRETATION:

- A. If there is a conflict between the general provisions of this Chapter and a specific sign regulation contained in this Chapter, the specific sign regulation shall control.
- B. If there is a conflict between the sign regulations of this Chapter and any other provision of this Code, the provisions of this Chapter shall control.

Part C – General Policies

9-15-7: GENERAL POLICIES FOR SIGN REGULATION:

- A. **Enforcement.** The Director is authorized and directed to enforce this Chapter.
- B. **Review and Approval.** All decisions, approvals, orders, and appeals regarding signs within the regulatory scope of this Chapter, including, but, not limited to, decisions on sign permits, shall be made pursuant to the procedures stated in this Chapter.
- C. **Regulatory Interpretations.** All regulatory and administrative interpretations of this

1 Chapter are to be exercised in light of the Town’s message neutrality and message
2 substitution policies. Where a particular type of sign is proposed in a permit
3 application, and the type is neither expressly allowed nor prohibited by this Chapter,
4 then the Director shall approve, conditionally approve, or disapprove the application
5 based on the most similar sign type that is expressly regulated by this Chapter.
6

7 **D. Message Neutrality.** It is the Town’s policy and intent to regulate signs in a manner
8 that is not affected by the topic, idea, or message expressed on the sign; the subject
9 matter of the sign; or the specific motivating ideology, viewpoint, opinion, or
10 perspective of the speaker. This Chapter shall be administered and enforced in
11 accordance with such policy and intent. The sign permitting and enforcement process
12 requirements of this Chapter shall be limited to the non-communicative aspects of the
13 sign, such as size, height, orientation, location, setback, illumination, spacing, scale,
14 and mass of the sign structure.
15

16 **E. Message Substitution.** Subject to the landowner’s consent, a noncommercial message
17 of any type may be substituted for any duly permitted or allowed commercial message or
18 any duly permitted or allowed noncommercial message; provided, that the sign structure
19 or mounting device is legal without consideration of message content. Such substitution
20 of message may be made without any additional approval or permitting, but is subject to
21 any applicable size limitation applicable to a message containing a noncommercial
22 message. This provision prevails over any more specific provision to the contrary within
23 this Chapter. The purpose of this provision is to prevent any inadvertent favoring of
24 commercial speech over noncommercial speech, or the favoring of any particular
25 noncommercial message over any other noncommercial message. This provision does not
26 create a right to increase the total amount of signage on a parcel, nor does it affect the
27 requirement that a sign structure or mounting device be properly permitted.
28

29 **F. On-Site/Off-Premises Distinction.** Within this Chapter, the distinction between an
30 on-premises sign and an off-premises sign applies only to commercial messages.
31

32 **G. Legal Nature of Sign Rights.** As to all signs attached to real property, the signage
33 rights, duties, and obligations arising from this Chapter attach to and run with the land
34 or other property on which a sign is mounted or displayed. This provision does not
35 modify or affect the law of fixtures, sign-related provisions in private leases regarding
36 signs (so long as they are not in conflict with this Chapter or other law), or the
37 ownership of sign structures. This provision does not apply to handheld signs or other
38 images that are aspects of personal appearance.
39

40 **H. Owner’s Consent.** No sign may be placed on private property without the consent of
41 the property owner or other person holding the present right of possession and control.
42

43 **I. No Fee May Be Accepted.** A property owner shall not accept a fee for posting or
44 maintaining a sign allowed under this Chapter. Any sign that is posted or maintained in

1 violation of this provision is not authorized and is in violation of this Chapter.
2

3 **J. No Interference With Federally-Registered Trademark.** The Director shall not
4 refuse to issue a permit under this Chapter for the reason that the colors of the proposed
5 sign do not comply with the requirements of this Chapter if the colors reflect a
6 federally-registered trademark.
7

8 **K. Prospective Regulation.** This Chapter applies only to signs whose structure has not
9 been permanently affixed to its intended premises on the date that the ordinance
10 adopting this Chapter became effective.¹ Except as provided in Section 9-15-21, this
11 Chapter does not affect signs that were legally installed and that existed as of the date
12 this Chapter first takes effect.
13

14 **L. Severability.** If any section, sentence, clause, phrase, word, portion, or provision of
15 this Chapter is held invalid, unconstitutional, or unenforceable by any court of competent
16 jurisdiction such holding shall not affect, impair, or invalidate any other section,
17 sentence, clause, phrase, word, portion, or provision of this Chapter that can be given
18 effect without the invalid portion. In adopting this Chapter, the Town Council
19 affirmatively declares that it would have approved and adopted this Chapter even without
20 any portion that may be held invalid or unenforceable.
21

22 **9-15-8: SIGN PERMIT REQUIRED - GENERALLY:**
23

24 A. Except as provided in Section 9-15-9, a sign permit shall be required for all permanent
25 signs prior to the erection, relocation, alteration, or replacement of the sign.
26

27 B. A sign permit shall not be required for those temporary signs that are allowed under
28 this Chapter.
29

30 **9-15-9: EXEMPT SIGNS:** The following signs do not require a sign permit and are exempt
31 from the requirements of this Chapter:
32

33 A. Government signs;
34

35 B. Signs required by federal, state, or local law;
36

37 C. Historic plaques on designated landmark properties;
38

39 D. Cornerstones when carved into stone, concrete, bronze or other permanent material
40 and made an integral part of a building or structure;
41

42 E. Signs required by the Town's building and technical codes;

¹ The ordinance that adopted this Chapter became effective on [REDACTED], 2019.

1
2 F. Warning signs marking hazards on private property two (2) square feet or less in size;

3
4 G. Merchandise. These displays may be subject to the rules on outdoor display of
5 merchandise set forth in Title 9, Chapter 7 of this Code;

6
7 H. Bumper stickers or similar expressions that are affixed to a motor vehicle;

8
9 I. Seasonal decorations; provided that such decorations are maintained so as to not
10 constitute a fire hazard and are removed after the season associated with the decoration
11 has ended. Temporary winter holiday decorations must be removed by the
12 day after the third Monday in February (when President's Day is celebrated);

13
14 J. Flags;

15
16 K. Signs on commercial vehicles, including trailers; provided that the vehicles/trailers are
17 not in violation of Section 9-15-18:F;

18
19 L. Walking signs; and

20
21 M. Any other sign for which a permit is specifically not required by this Chapter.

22
23 N. Scoreboards associated with an approved recreational field.

24
25 **9-15-10: ACTIONS THAT DO NOT REQUIRE A PERMIT:** A sign permit is not required
26 for:

27
28 A. A change of copy, text, or message that does not alter the material, size, location, or
29 illumination of a sign (see Section 9-15-7(E) [Message Substitution]);

30
31 B. The general maintenance of an existing and approved sign;

32
33 C. Window signs placed pursuant to Section 9-15-15(D);

34
35 D. Window wraps placed pursuant to Section 9-15-15(E); or

36
37 E. Signs erected pursuant to Section 9-15-17.

38
39 **9-15-11: PROHIBITED SIGNS:** The following signs and types of signs are inconsistent with
40 the purposes and standards of this Chapter and, as such, are prohibited within the Town without
41 reference to their content:

42
43 A. Any sign for which a permit is required under this Chapter, but for which no valid
44 permit has been issued or exists, or which violates the terms, conditions, and

- 1 restrictions of this Chapter or the sign permit that approved the sign;
- 2
- 3 B. Any sign that is specifically prohibited by the provisions of this Chapter;
- 4
- 5 C. Temporary signs, except as specifically authorized by this Chapter;
- 6
- 7 D. Attention-getting devices;
- 8
- 9 E. Flashing signs; moving signs; signs emitting audible sounds, smoke, fumes, odors, or
- 10 visible matter; and signs that change copy electronically;
- 11
- 12 F. Beacons, lasers, or searchlights used for a commercial purpose;
- 13
- 14 G. Inflated signs, balloons, or inflatable party devices intended for short-term use;
- 15
- 16 H. Electronic message signs;
- 17
- 18 I. Internally lit signs placed on the exterior of a building, or within five feet (5') of a
- 19 window of a building;
- 20
- 21 J. Roof signs;
- 22
- 23 K. Off-premises commercial message signs, except as provided in Section 9-1517(C);
- 24
- 25 L. Signs affixed to trees or utility poles;
- 26
- 27 M. Abandoned signs (see Section 9-15-22);
- 28
- 29 N. Signs erected or displayed by a person involved in the business of general advertising
- 30 for hire;
- 31
- 32 O. Sandwich board signs;
- 33
- 34 P. Leaning signs;
- 35
- 36 Q. Marquee signs;
- 37
- 38 R. Monument signs within the Conservation District;
- 39
- 40 S. Gateway monuments signs within the Conservation District;
- 41
- 42 T. Banner signs (unless authorized by a permit issued pursuant to Title 4, Chapter 13 of
- 43 this Code or as authorized pursuant to Section 11-8-7 of this Code); and
- 44

1 U. Signs on private property that can reasonably be interpreted as attempting to regulate
2 uses on public property including, but not limited to, parking and speed limits.
3

4 **Part D – Sign Permit Process**
5

6 **9-15-12: SIGN PERMIT PROCESS:**
7

8 **A. Sign Permit Applications Reviewed Under Development Code:** All applications for
9 permits submitted pursuant to this Chapter, except an application for a Master Sign
10 Permit, shall be Class D Minor development permit applications under the Development
11 Code. An application for a Master Sign Permit shall be a Class C development permit
12 application under the Development Code. An application to amend a Master Sign Plan
13 shall be a Class D Minor development permit application. Those relevant provisions of
14 the Development Code that are not inconsistent with this Chapter shall apply to permit
15 applications submitted under this Chapter. In the event of a conflict between the
16 provisions of the Development Code and the provisions of this Chapter, the provisions of
17 this Chapter shall control.
18

19 **B. Reviewing Authority to Decide Applications.** The reviewing authority as defined in
20 Section 9-15-5 shall review and decide all sign permit applications that are filed pursuant
21 to this Chapter.
22

23 **C. Submittal Requirements for Sign Permit:** An application for a sign permit under
24 this Chapter, except for an application for a Master Sign Plan (see Section 9-15-14(B))
25 shall contain the following:
26

- 27 1. Application form and required application fee for the class of permit being applied for
28 as established in the Development Code.
29
- 30 2. Two drawings showing details of construction and foundation, if applicable, of the
31 proposed sign.
32
- 33 3. A scaled drawing showing the size, shape, design, colors, materials, and lighting, of
34 the proposed sign.
35
- 36 4. A site plan of the proposed site and sign location of any freestanding sign.
37
- 38 5. Elevation, site plan or other depiction of the premises for which the sign is to be
39 located upon with length of premise called out.
40
- 41 6. An elevation or photo depicting the proposed location of the sign on a building or a
42 wall or window sign.
43
- 44 7. A colored rendering of the sign (excluding sign content).

1
2 8. The Reviewing Authority may require such other information as the Reviewing
3 Authority shall deem necessary to properly evaluate the application; provided the
4 Reviewing Authority shall not require any information concerning the content of the sign.
5 Any content information voluntarily provided by the applicant shall not be considered by
6 the Reviewing Authority in deciding the application. Once filed with the Town, an
7 application and any exhibits become the property of the Town.
8

9 **D. Application Fee Not Refundable:** The application fee is nonrefundable.
10

11 **E. Decision on Application:** The Reviewing Authority shall grant or conditionally grant
12 an application if the application satisfies all of the requirements of this Chapter and any
13 applicable provisions of the Development Code. The Reviewing Authority may impose
14 such conditions on a permit as are required to protect the public health, safety, and
15 welfare, and to obtain compliance with the requirements of this Chapter and other
16 applicable law.
17

18 **F. Provisions Deemed Inapplicable Or Irrelevant:** The Reviewing Authority may
19 refuse to apply or require compliance with any provision of this Chapter or the
20 Development Code that the Reviewing Authority determines to be inapplicable or
21 irrelevant to an application for a sign permit.
22

23 **G. When Permitted Sign Must Be Erected:** Signs for which permits have been issued
24 shall be erected within one hundred eighty (180) days of the issuance of the permit.
25 Failure to complete placement of the sign within such period shall require the sign owner
26 to obtain a new permit before the sign can be erected. For good cause the Director may
27 extend the deadline for erection of a permitted sign for up to an additional one hundred
28 eighty (180) days.
29

30 **H. Inspections For Permits:**

31
32 1. All signs for which a building permit is required shall be subject to inspection by and
33 approval of the Building Official. Inspections shall be conducted within seven
34 business days of the request for an inspection.
35

36 2. Footing inspections may be required for all signs having footings.
37

38 3. All signs shall comply with the applicable provisions of the Town's building and
39 technical codes. If a permit is required under a building or technical code, such permit
40 must be obtained in addition to a sign permit.
41

42 **9-15-13: VARIANCES:**

43
44 **A. Variances Authorized; Standards:** The Director may grant a variance from any of

1 the regulations contained in this Chapter, except the maximum allowed sign area.²

2
3 **B. Approval Standards.** The Director may grant a variance authorized by this Section if
4 the variance requested is required by special or unique hardship because of:

5
6 1. Exceptional narrowness, shallowness, or shape of the premise on which a
7 sign is to be located; or

8
9 2. Exceptional topographic conditions or physical features uniquely affecting the
10 premise on which the sign is to be located.

11
12 The Director may not grant a variance solely because the display of a sign would be more
13 profitable or valuable if the variance were granted.

14
15 **C. Additional Variance Standards:** The Director may grant a variance only if the
16 Director determines that the variance is consistent with the Town's master plan³, and
17 there are no other reasonable alternatives for displaying a sign permitted by this Chapter.

18
19 **D. Factors Not To Be Considered:** In considering a request for a variance the Director
20 shall not consider the topic, idea, or message expressed on the sign; the subject matter
21 of the sign; or the specific motivating ideology, viewpoint, opinion, or perspective of
22 the speaker.

23
24 **9-15-14: MASTER SIGN PLAN:**

25
26 **A. Master Sign Plans Required; When:** All buildings containing three (3) or more
27 separate businesses must obtain approval of a master sign plan from the Director prior to
28 any signs being erected in or upon any structure. All signs erected or maintained within
29 the structure must conform at all times to the approved master sign plan. Any deviations
30 from an approved master sign plan is unlawful unless and until a revised master sign
31 plan is approved by the Director.

32
33 **B. Application For Master Sign Plan:** An application for a master sign plan must
34 include at least the following information:

35
36 1. Class C application form and fee;

37
38 2. Site plan and elevations, if applicable;

39
40 3. Lineal front footage of the structure;

41

² But see Section 9-15-20(D)(3) which authorizes the Director to determine the maximum allowable sign area in a project that is subject to a master sign plan under certain circumstances.

³ See Title 9, Chapter 4 of this Code.

- 1 4. The total amount of allowable sign area for the structure; and
 2
 3 5. The location, materials, lighting, and maximum area of each sign that an individual
 4 business will be allowed to display including freestanding or directional signage.
 5
 6 6. The Reviewing Authority may require such other information as the Reviewing
 7 Authority shall deem necessary to properly evaluate the application; provided the
 8 Reviewing Authority shall not require any information concerning the content of the sign.
 9 Any content information voluntarily provided by the applicant shall not be considered by
 10 the Reviewing Authority in deciding the application. Once filed with the Town, an
 11 application and any exhibits become the property of the Town.
 12

13 **C. Individual Sign Permits Still Required:** Individual sign permits are required for
 14 signs contained within an approved master sign plan with a Class D minor development
 15 permit.
 16

17 **Part E – Sign Size and Location Rules**
 18

19 **9-15-15: SIGNS ON COMMERCIAL PROPERTIES:**
 20

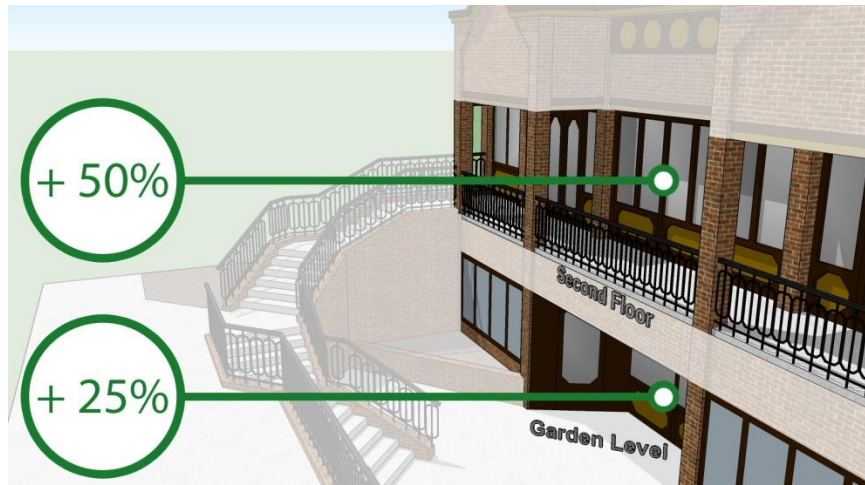
21 **A. General:** Unless specifically excluded by this Chapter, all signs displayed shall be
 22 included in determining the total sign area for a building. The aggregate area of all signs,
 23 both temporary and permanent, displayed on a site shall not exceed the total allowable
 24 sign area established by this section. The total square footage of allowable sign area for
 25 any building shall be equal to sixty six percent (66%) of the building's frontage. Unless
 26 specifically excluded by this chapter, all signs displayed shall be included in determining
 27 the total sign area for a building.
 28

29 Example: (Linear feet of building frontage) x 0.66 = total square footage of allowable
 30 sign area.
 31

32 In those instances where a building has two (2) separate frontages and all of the allowable
 33 sign area can legally be displayed on the primary frontage, the commission may increase
 34 the total allowable sign area by up to one hundred percent (100%) as may be reasonably
 35 necessary to provide additional sign area needed to identify the building and/or tenant(s)
 36 when viewed from the public way adjacent to the separate frontage.
 37

38 **B. Sign Area Adjustments; Multiple Use Buildings:** Each multiple use building shall
 39 be permitted one hundred percent (100%) of the allowable sign area set forth above. In
 40 addition, the second floor, if any, shall be allowed an additional fifty percent (50%) of the
 41 allowable sign area and the garden level, if any, shall be allowed an additional twenty
 42 five percent (25%) of the allowable sign area. Additional signage will be allowed for the
 43 garden level and the second floor only if separate business is operating from each of these
 44 floors. Buildings that have no street level entrances and two (2) levels of commercial use

1 are eligible for the garden level bonus only. These additional amounts of allowable sign
2 area shall apply only to that portion of second floors and garden levels which are used as
3 commercial space accessible to the public.
4



5
6
7 **C. Other Adjustments To General Allowed Sign Area:**
8

- 9 1. Only sixty six percent (66%) of the surface area of each face of a double faced sign is
10 counted against allowed sign area.
11
12 2. Only eighty five percent (85%) of the surface area of a wood relief sign is counted
13 against the allowable sign area.
14

15 **D. Window Signs:** In addition to the signage allowed by Section B, each business in a
16 commercial use property may display a maximum of four (4) window signs, whether
17 such signs are temporary (not paper) or permanent. The total area of all allowed window
18 signs, both temporary and permanent, shall not exceed five (5) square feet in area.
19

20 **E. Window Wrap:** In addition to the window signage square foot allowance
21 provided in Section C, each business is entitled to one window sign wrap that may
22 extend across the width of the storefront windows. The window sign wrap may be a
23 maximum of twelve inches (12") in height and must be composed of materials that are
24 affixed to the window in a semi-permanent manner that is not easily changed (e.g.,
25 paper cannot be used). The window sign wrap must be placed within six inches (6") of
26 either the top or bottom of the window, so as not to detract from the inside display of
27 merchandise.
28

29 **F. Separate Frontages:** In those instances where a building with a commercial use has
30 two (2) separate frontages and all of the allowable sign area can legally be displayed on
31 the primary frontage, the Director may increase the total allowable sign area by a
32 maximum square footage double the calculated allowed as may be reasonably necessary.

1
2 **G. Limitations:**
3

4 1. No more than twenty (20) square feet of signage per business on a commercial use
5 property may be visible from any one location after any sign bonus calculations have
6 been applied, if applicable.
7

8 2. Except as specifically provided in this Chapter, the area of any one sign on a building
9 with a commercial use shall not exceed twenty (20) square feet after any sign bonuses
10 have been applied, if applicable.
11

12 **H. Display Boxes:** Each restaurant, bar, or lounge may have one display box sign. If the
13 size of the display box is two (2) square feet or less the display box shall not count
14 against the allowable sign area. If the size of the display box exceeds two (2) square feet,
15 the area of the display box in excess of two (2) square feet counts against the allowable
16 sign area.
17

18 **I. Gas Stations:** In addition to the signage otherwise allowed by this Chapter, gas station
19 shall be allowed an extra twenty (20) square feet of signage located near the gas pumps.
20

21 **9-15-16: SIGNS ON INDUSTRIAL PROPERTIES:** The signage rules for properties with an
22 industrial use⁴ are the same as the rules for properties with a commercial use.
23

24 **9-15-17: ADDITIONAL SIGNAGE ALLOWED; WHEN:** In addition to the signage allowed
25 by this Chapter, the owner or lawful occupant of any property may place the following
26 temporary signs on the owner's or occupant's property without a sign permit but subject to the
27 limitations of this Section:
28

29 A. Signs not to exceed a total of twelve (12) square feet in size for a period of up to forty
30 five (45) days prior to an election involving candidates for a federal, state, or local office,
31 or ballot question. No one sign shall exceed four (4) square feet in size. The signs shall be
32 removed within five days following the election. The signs must not be placed in the
33 public right of way.
34

35 B. One sign on the property not larger than four (4) square feet in size when the property
36 is being offered for sale through a licensed real estate agent or by the property owner;
37 through the internet; or through advertising in a local newspaper of general circulation.
38 The sign authorized pursuant to this Section B must be removed once the sale of the
39 property has been concluded.
40

41 C. At the time a sign is allowed to be displayed by a property owner pursuant to Section

⁴ Storage, processing and shipping of agricultural or timber products; mineral extraction and production; storage, processing or shipping; fabrication; assembly, services, manufacturing; auto body repair shops; or storage of products. See definition of "industrial use" in Section 9-1-5 of this Code.

1 B a real estate agent representing the owner may temporarily place off-premises signs
2 without a permit, subject to the following limitations:

3
4 1. Location of Signs:

5
6 a. No off-premises sign authorized by this Section C is allowed anywhere within the
7 conservation and historic districts;

8
9 b. No sign authorized by this Section C is allowed within the rights of way of Park
10 Avenue and Main Street within the Town;

11
12 c. No sign authorized by this Section C may be placed on the paved driving surface of
13 any public right of way, or on any public sidewalk;

14
15 d. No sign authorized by this Section C may obstruct any public street, alley,
16 sidewalk, recreational path, or any public snow removal operations;

17
18 e. No sign authorized by this Section C is allowed within any designated public
19 pedestrian area;

20
21 f. No sign authorized by this Section C may be located on private property without
22 the consent of the property owner; and

23
24 g. No sign authorized by this Section C may be placed so as to cause confusion by
25 motorists observing the sign.

26
27 2. Number of Signs: Not more than three (3) signs authorized by this Section C may be
28 placed within any Town right of way or located at an off-premises private property;

29
30 3. Maximum Sign Area: The maximum sign area of a sign authorized by this Section C
31 is four (4) square feet;

32
33 4. Height: The height of a sign authorized by this Section C may not exceed five feet (5')
34 as measured from the top of the sign to the grade at the base of the sign;

35
36 5. Display Duration:

37
38 a. A sign authorized by this Section C may only be displayed beginning up to one
39 hour before time when the owner's real property is open for viewing by potential
40 buyers or renters with the realtor, broker, owner, or other similar agent present on
41 the real property, and must be removed no later than one hour after the conclusion
42 of the viewing;

1 b. A sign authorized by this Section C may only be displayed between 8:00 A.M. and
2 8:00 P.M. of the same day; and

3
4 c. A sign authorized by this Section C may not be displayed for more than three (3)
5 consecutive days.

6
7 6. Lighting: A sign authorized by this Section C may not be lit;

8
9 7. No Attention Getting Devices: No attention getting device may be affixed to any sign
10 authorized by this Section C; and

11
12 8. Town Not liable: The Town is not liable for damage done to a temporary sign
13 authorized by this Section C that is located within a public right of way.

14
15 D. One sign on the property not larger than four (4) square feet in size when the property
16 is being offered for rent or lease through a licensed real estate agent or by the property
17 owner; through the internet; or through advertising in a local newspaper of general
18 circulation. The sign authorized pursuant to this Section D must be removed once the
19 property has been rented or leased.

20
21 E. One sign not larger than twelve (12) square feet in size during the time when there is
22 an active building permit for the construction of improvements on the property. The sign
23 authorized pursuant to this Section E must be removed once the work authorized by the
24 building permit has been completed.

25
26 F. One sign not larger than four (4) square feet in size, subject to the terms of this
27 Chapter and applicable law.

28
29 **Part F – Sign Design Standards**

30
31 **9-15-18: SIGN DESIGN STANDARDS – GENERALLY:** All signs for which a permit is
32 required under this Chapter shall be subject to the following general limitations:

33
34 **A. Sign Design And Materials:** Unless otherwise expressly provided in this Chapter,
35 signs must be constructed predominantly of natural materials, such as rough cedar,
36 redwood, pine, or other types of solid wood. Wood or alternative materials that mimic
37 wood grain (e.g. high density urethane) are encouraged. Metal may be used as an accent
38 (maximum of 25% of sign area) on wood relief signs.

39
40 **B. Architectural Compatibility:** A sign (including its supporting structure and
41 components, if any) shall be architecturally compatible with any building to which the
42 sign is to be attached and with the surrounding structures.

43
44 **C. Lighting Standards:**

1
2 1. **Shielded Lighting:** Light bulbs or lighting tubes used for illuminating a sign shall not
3 be visible from the vehicular travel lanes of adjacent public rights of way. The use of
4 adequate shielding, designed so that light from sign illuminating devices does not
5 shine directly into the eyes of passing motorists without first being reflected off the
6 sign or its background, is required whenever sign lighting is used.
7

8 2. **Subdued Lighting:** The intensity of sign lighting shall not exceed that necessary to
9 illuminate and make legible a sign from the adjacent travel way or closest municipal
10 street; and the illumination of a sign shall not be noticeably brighter than other lighting in
11 the vicinity and shall comply with Title 9, Chapter 12 this Code.
12

13 3. **Direction Of Lighting:** All lighting fixtures shall be placed above the sign and shall
14 shine downward toward the sign. Illumination of signs shall not be directed toward
15 adjacent properties.
16

17 4. **Internally Lit Signs:** No sign that is placed on the exterior of a building or on the
18 interior of the building within five feet (5') of a window shall be internally lit.
19

20 **D. Component Painting:** All light fixtures, conduit, and shielding shall be painted a
21 flat, dark color, or shall be painted to match either the building or the supporting structure
22 that serves as the background of the sign.
23

24 **E. Confusing Or Dangerous Signs:** No sign or sign structure shall:
25

26 1. Obstruct the view of, resemble, or purport to be a device to control the operation of
27 motor vehicles or pedestrians in the right of way, or any other official sign.
28

29 2. Create an unsafe distraction for motor vehicle operators.
30

31 3. Obstruct the view of motor vehicle operators entering a public roadway from any
32 parking area, service drive, private driveway, alley, or other thoroughfare.
33

34 4. Obstruct free ingress to or egress from required door, window, fire escape, or other
35 required exit or standpipe.
36

37 **F. Parked Vehicles Not To Be Used As Signs:** Notwithstanding Section 9-15-9K, no
38 parked vehicle, including, but not limited to, an automobile, truck, bus, semi-truck
39 (attached or detached), trailer, mobile home, motor home, boat, van, or other motor
40 vehicle, shall be used as a sign or sign structure. Delivery trucks parked during hours of
41 operation are excluded.
42

43 **G. Clearance:** Signs shall not be located with less than three feet (3') horizontal or eight
44 feet (8') vertical clearance from overhead electric conductors. No sign shall obstruct any

1 window to such an extent that any light or ventilation is reduced to a point below that
2 required by any law or ordinance.
3

4 **9-15-19: SIGN MAINTENANCE:** All signs must be structurally sound, maintained in good
5 repair and may not constitute a hazard to safety, health or public welfare by reason of inadequate
6 maintenance, dilapidation or electrical shock. The display surfaces of all signs shall be kept
7 neatly painted or posted at all times. In addition to other remedies provided for in this Chapter,
8 the Director shall have the authority to order the painting, repainting, repair, maintenance, or
9 removal of any sign that has become dilapidated or a hazard to safety, health or public welfare. If
10 such a condition is determined by the Director to exist, the Director shall give notice to the sign
11 owner at the address shown on the sign permit by certified mail, return receipt requested. If,
12 within fifteen (15) days from service of the notice, the Director's order is not complied with, the
13 Director may remove the sign, or cause it to be removed, and the cost of removal shall be
14 charged against the sign owner and the sign owner's property as provided in Section 9-15-23.
15

16 **9-15-20: STANDARDS FOR SPECIFIC TYPES OF SIGNS:** The following regulations shall
17 apply to the specific types of signs as indicated.
18

19 **A. Awnings:**
20

21 1. No awning shall block the view of other signs or extend over the public right of way
22 without Town approval.
23

24 2. There shall be a minimum clearance of at least eight feet (8') between the bottom of the
25 awning and the ground at grade.
26

27 3. All awning supports must be set back a minimum of one foot (1') from the Town right
28 of way.
29

30 **B. Cutout Letters/Painted Letters:** Cutout letters mounted on a building surface, and
31 letters painted on a building, are wall signs and the aggregate area of such signs shall be
32 counted against the allowable sign area established by this Chapter. Measurements for
33 cutout letters shall begin at the top of the first letter or logo, and end at the end and
34 bottom of the last letter or logo. Spacing between letters and words shall count toward
35 the sign area.
36

37 **C. Double Faced Signs:** The two (2) sides of a double faced sign must be parallel back
38 to back, and no thicker than twelve inches (12").
39

40 **D. Freestanding Signs:**
41

42 1. There shall be no more than one freestanding sign for each lot or building, except as
43 otherwise provided in this Chapter.
44

1 2. A landscaped area equal to two (2) square feet for each one square foot of each side of
2 a freestanding sign shall be maintained by the permit holder. Such area shall be kept in a
3 neat and clean condition, free of trash, weeds, and rubbish.
4

5 3. No freestanding sign outside the Conservation District shall exceed ten feet (10') in
6 height. No freestanding sign within the Conservation District shall exceed eight feet
7 (8') in height.
8

9 4. No freestanding sign shall extend over or into a public right of way.
10

11 5. A freestanding sign located in a project with an approved master sign plan containing
12 three (3) or more buildings or development sites may exceed the twenty (20) square foot
13 limit established by Section 9-15-15(G)(2). The maximum allowable size of any such
14 sign shall be determined by the Director based upon the following criteria:
15

16 a. the number of buildings or development sites within the project that is subject to the
17 master sign plan;
18

19 b. the distance of such sign from any major arterial providing primary access to the
20 project; and
21

22 c. the necessity of facilitating traffic circulation.
23

24 **E. Projecting or Hanging Signs:**
25

26 1. Projecting or hanging signs may not extend above the ceiling of the second floor of
27 any building.
28

29 2. Projecting signs shall not be located above the eave line or parapet wall of any building
30 and shall be a minimum of eight feet (8') above grade when located adjacent to or
31 projecting over a public right of way.
32

33 3. No projecting sign shall extend more than four feet (4') from a building wall.
34

35 4. The two sides of a projecting or hanging sign must be parallel back to back and shall
36 not exceed twelve inches (12") in thickness.
37

38 5. The allowable size of any projecting or hanging sign shall not include the sign
39 structure portion necessary to support the sign.
40

41 **F. Wall Signs:** Wall signs shall not be mounted higher than the eave line or parapet wall
42 of the principal building and no portions of such wall sign, including cutout letters, shall
43 project more than six inches (6") from the building.
44

1 **G. Monument Signs:** Monument signs are permitted only outside of the Conservation
2 District. The allowable shall not include the sign structure portion necessary to support
3 the sign.

4 **H. Directory Signs:** Directory signs may be wall mounted or freestanding. The aggregate
5 area of directory signs does not count towards each business's allowable sign area. The
6 individual signs of a directory sign shall be of a coordinated design, with each of the
7 individual signs sharing at least two (2) of the following as design elements in common:
8 size, shape, materials, letter style and colors. Each individual business sign in a directory
9 sign shall not exceed three (3) square feet in size. In no case may the aggregate area of a
10 directory sign exceed twenty (20) square feet in size. Where the number of businesses
11 served would not fit onto the maximum size allowed for a directory sign, then additional
12 directory signs may be allowed. Additional directory signs must be located at least
13 twenty five feet (25') from other directory signs to avoid creating a cluttered appearance.
14

15 **I. Statuary Signs:**

16 1. Statuary elements of any sign shall not exceed thirty five percent (35%) of the area of
17 the proposed sign. In no case shall the statuary element of any sign exceed five (5) square
18 feet. Two-dimensional silhouettes shall not be considered statuary signs for the purpose
19 of this Chapter.
20

21 2. The area of the statuary sign shall be calculated using the two largest dimensions
22 (width, depth or height) of a three-dimensional element (rather than calculating the
23 volume in cubic feet). For example, if a statuary element of a sign is thirty five inches
24 (35") tall, thirty inches (30") wide, and ten inches (10") deep, the area of the sign shall be
25 calculated using only the height and width of the statuary element.
26

27 **J. Gateway Entrance Monuments:** Gateway entrance monuments are permitted only
28 outside of the Conservation District. An application for a gateway entrance monument
29 shall be evaluated based upon the requirements of Section 9-1-19-47A, "Policy 47
30 (Absolute) Fences, Gates and Gateway Entrance Monuments" of this Code.
31

32 **K. Hotel and Condominium Signs:**

33
34 1. Signage not to exceed twenty (20) square feet shall be permitted for each hotel or
35 condominium project.
36

37 2. Such sign may exceed twenty (20) square feet if the Director determines that all of the
38 following exist:
39

40 a. the proposed sign is a single wall sign;

41
42 b. a sign larger than twenty (20) square feet is necessary to fit proportionately within a

1 large expanse of wall area not interrupted by windows or other architectural
2 features, and to serve as an architecturally compatible building feature breaking
3 up a large wall area that would otherwise be unbroken;

- 4
- 5 c. the proposed sign is set back at least thirty (30) feet from the property line;
- 6
- 7 d. the proposed sign is no larger than is reasonably necessary;
- 8
- 9 e. the colors and design of the sign are compatible with those of the building; and
- 10
- 11 f. the proposed wall sign is used in lieu of any other signage for the project.
- 12

13 3. Where a hotel or condominium project has linear frontage of one hundred (100) feet or
14 more and multiple vehicular accesses all of which accesses are not visible from a single
15 location, one sign may be permitted at each point of vehicular access to the project.

16
17 **L. Sign On Property Under Development:** One sign not to exceed sixteen (16) square
18 feet in sign area may be erected when a valid development permit for the development of
19 real property has been issued by the Director. Such sign must be removed at or prior to
20 the issuance of the last certificate of occupancy, or when construction of the project is
21 abandoned, whichever shall first occur.

22
23 **9-15-21: NONCONFORMING SIGNS:** Signs that were legally installed prior to the effective
24 date of the ordinance adopting this Chapter, but are inconsistent with the requirements of this
25 Chapter, are considered legal nonconforming uses, and are “grandfathered” by this Chapter. As
26 such, they may continue to exist; provided, that they shall not be altered, modified, or changed in
27 any way that would increase their nonconformity. When such modification, alteration, or change
28 occurs or is proposed the sign shall be brought into compliance with this Chapter.

29
30 **9-15-22: ABANDONED SIGNS:**

31
32 **A. Signs Must Be Removed; When:** A commercial message sign shall be removed
33 within fourteen (14) days after the activity, product, business, service or other use that is
34 being advertised has ceased or vacated the premises.

35
36 Exceptions: The requirements of Section A shall not apply to: (i) permanent signs for
37 businesses that are open only on a seasonal basis if there is clear intent to continue
38 operation of the business, or (ii) noncommercial message signs.

39
40 **B. Signs May Be Removed By Director; When:** After fourteen (14) days and notice to
41 the permit holder, a sign that has not been removed as required by this Section may be
42 removed by the Director and the costs of such action may be collected as provided in
43 Section 9-15-23(F).

1 **C. Date of Accrual of Abandonment:** As of the effective date of the ordinance
2 adopting this Chapter, no legally established signs shall be considered abandoned. For
3 regulatory purposes, any factors indicating abandonment shall not begin accruing until
4 ninety days after the effective date of the ordinance adopting this Chapter.
5

6 **Part G – Enforcement**
7

8 **9-15-23: ENFORCEMENT; LIEN:**
9

10 A. Right Of Entry: Whenever necessary to make an inspection to enforce any of the
11 provisions of this Chapter, or whenever the Director has reasonable cause to believe that
12 there exists in any building or upon any premises any condition or violation which makes
13 such building or premises unsafe, dangerous or hazardous, the Director may enter such
14 building or premises at all reasonable times to inspect the same or to perform any duty
15 imposed upon the Director by this Chapter; provided, that if such building or premises is
16 occupied, the Director shall first present proper credentials and request entry; and if such
17 building or premises is unoccupied, the Director shall first make a reasonable effort to
18 locate the owner or other persons having charge or control of the building or premises
19 and request entry. If such entry is refused, the Director shall have recourse to every
20 remedy provided by law to secure entry, including, but not limited to, requesting that an
21 inspection warrant be issued by the municipal court judge pursuant to Rule 241 of the
22 Colorado Municipal Court Rules of Procedure. The municipal court judge may issue an
23 inspection warrant authorizing the inspection of a structure in accordance with Rule
24 241(b) of the Colorado Municipal Court Rules of Procedure. Any inspection warrant
25 issued pursuant to this section shall fully comply with the applicable provisions of Rule
26 241 of the Colorado Municipal Court Rules of Procedure. The municipal judge may
27 impose such conditions on an inspection warrant as may be necessary in the judge's
28 opinion to protect the private property rights of the landowner of the property to be
29 inspected, or to otherwise make the warrant comply with applicable law. When the
30 Director shall have first obtained a proper inspection warrant or other remedy provided
31 by law to secure entry, no owner or occupant or any other persons having charge, care, or
32 control of any building or premises shall fail or neglect, after proper request is made as
33 herein provided, to promptly permit entry therein by the Director for the purpose of
34 inspection and examination pursuant to this Chapter.
35

36 **B. Authority to Issue Penalty Assessment Notices:** If permitted to do so by the
37 Director, any employee of the Department is authorized, as part of his or her duties, to act
38 as a Code enforcement officer of the Town for the limited purpose of issuing a penalty
39 assessment notice for any alleged violation of this Chapter if the alleged offense is listed
40 on the Municipal Judge's list of designated violations the penalties for which may be paid
41 at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the Colorado
42 Rules of Municipal Court Procedure. Any penalty assessment notice issued pursuant to
43 the authority granted by this Section B shall comply with the requirements of Section 1-
44 8-12(K) of the Code.

1
2 **C. Lien; Collection:** Any amount that the Town is authorized to collect pursuant to this
3 Chapter, except a permit application fee, may be collected by the Town using the
4 procedures set forth in Subsections C and D of this Section. The Town Clerk shall notify
5 the person owed the Town money pursuant to this Chapter of the total amount alleged to
6 be due, and if such person fails within thirty (30) days after the date of notification to pay
7 such amount in full, or to make arrangements acceptable to the Director to pay such
8 amount, then such amount due to the Town shall become a lien against and run with the
9 property where the sign is located or such other property that gives rise to the amount
10 owed to the Town. The Town Clerk shall certify such amount to the Summit County
11 treasurer for collection in the same matter as delinquent charges, assessments or taxes are
12 collected pursuant to Section 31-20-105, C.R.S.
13

14 **D. Amount Of Lien:** The amount certified by the Town Clerk to the Summit County
15 treasurer for collection shall include the actual amount alleged to be due, plus twenty five
16 percent (25%) to cover administrative costs, penalties, collection costs, and interest.
17

18 **E. Additional Remedies:** The enforcement procedures established in this Section are not
19 the exclusive method of enforcement of the provisions of this Chapter, but may be
20 exercised concurrently with, or in addition to, the imposition of the penalties pursuant
21 to Section 9-15-24, or other civil remedies available to the Town pursuant to law.
22

23 **F. Authority To Remove Signs From Right Of Way or Other Town Property:**
24 Notwithstanding anything contained in this Chapter to the contrary, any employee of the
25 Department, the Police Department, or the Department or the Public Works may remove
26 and destroy any sign that is illegally placed within a Town right of way or other Town-
27 owned property in violation of the provisions of this Chapter.
28

29 **9-15-24: PENALTIES AND REMEDIES:**
30

31 **A. General:** It is an infraction as defined in Section 1-3-2 of this Code for any person to
32 violate any of the provisions of this Chapter. Each such person shall be liable for a
33 separate offense for each and every day during any portion of which any violation of any
34 of the provisions of this Chapter is committed, continued, or permitted, and shall be
35 punished accordingly.
36

37 **B. Fine Schedule:** Any person found to have violated any provision of this Chapter, or
38 against whom a default judgment has been entered for any violation of this Chapter shall
39 be punished by a fine as follows:
40

Offense No.	Fine Amount
First Offense	\$100
Second Offense	\$250

Third Offense and Each Subsequent Offense	As Determined By the Municipal Judge subject to the limits in Section 1-4-1-1
---	---

1
2
3 **C. When Penalty Assessment Procedure May Be Used; When Mandatory Court Appearance Required:** A defendant’s first two (2) alleged violations of this Chapter
4 may be written as penalty assessments. A defendant’s third and each subsequent alleged
5 violation of this Chapter shall require a mandatory court appearance.
6

7 **D. Injunctive Relief:** In addition to other remedies available to the Town, the Town may
8 commence an action pursuant to Section 1-8-10 of this Code or other applicable law to
9 enjoin the alleged violation of any provision of this Chapter, or to authorize and compel
10 the removal, termination, or abatement of such violation.
11

12 **E. Additional Remedies:** Any remedies provided for in this Chapter shall be cumulative
13 and not exclusive, and shall be in addition to any other remedies provided by law.
14

15 **Part H – Miscellaneous**

16
17 **9-15-25: DISCLAIMER OF LIABILITY:**

18
19 **A. Sign Owner Liability:** The provisions of this Chapter do not relieve, diminish, or
20 modify the liability of any person for any damages arising from the ownership,
21 maintenance, use, construction, or placement of a sign.
22

23 **B. Town Liability:** The adoption of this Chapter does not create any duty to any person
24 with regard to the enforcement or nonenforcement of this Chapter. No person shall have
25 any civil remedy against the Town, or its officers, employees, or agents, for any damage
26 arising out of or in any way connected with the adoption, enforcement, or
27 nonenforcement of this Chapter. Nothing in this Chapter creates any liability on the part
28 of the Town, or its officers, employees, or agents. Nothing in this Chapter waives any of
29 the immunities, limitations on liability, or other provisions of the Colorado Governmental
30 Immunity Act, Section 24-10-101 et seq., C.R.S., or any other immunity or limitation on
31 liability otherwise available to the Town, or its officers, employees, or agents.
32

33 **9-15-26: RULES AND REGULATIONS:** The Director may from time to time adopt, amend,
34 alter, and repeal administrative rules and regulations as may be necessary for the proper
35 administration of this Chapter. Such regulations shall be adopted in accordance with the
36 procedures established by Title 1, Chapter 18 of this Code. A violation of such regulations may
37 be enforced in the Town’s Municipal Court.
38

39 Section 2. Footnote 3 in Section 1-8-2 of the Breckenridge Town Code is amended to
40 read as follows:
41

1 ³See title 89, chapter 215 of this Code

2
3 Section 3. Section 4-14-23 of the Breckenridge Town Code is amended to read as
4 follows:

5
6 4-14-23: SIGNAGE:

7
8 All signage for a licensed premises shall comply with the requirements of title 89,
9 chapter 215 of this code. In addition, no licensee shall display a sign for a licensed
10 premises that contains the word "marijuana" or a graphic/image of any portion of
11 a marijuana plant.

12
13 Section 4. Section 5-12-10 of the Breckenridge Town Code is amended to read as
14 follows:

15
16 5-12-10: REQUIRED SIGNAGE:

17
18 Every retail store required to collect the disposable bag fee shall display a sign in
19 a location outside or inside of the store, viewable by customers, alerting
20 customers to the town of Breckenridge's disposable bag fee. **The signage**
21 **required by this section shall be deemed to be the speech of the Town.**

22
23 Section 5. Title 8, Chapter 2 of the Breckenridge Town Code, entitled "Sign Code," is
24 repealed.

25
26 Section 6. The second unnumbered paragraph of Section 9-1-18-1(C)(2)(b)(1) of the
27 Breckenridge Town Code is amended to read follows:

28
29 The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20'), or one
30 inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall
31 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict
32 the property corners and all permanent survey monuments. The site plan shall further
33 include the title under which the proposed plan is to be filed; the date of drawing
34 preparation and any revisions; a north arrow; the scale of drawing; the legal description
35 for the property; signature blocks; phasing lines; a data block (to include tabulation in
36 square feet of building mass and density, broken down by uses if more than 1 use is
37 proposed, and accompanied by a statement of density used by this plan and any density
38 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~
39 ~~site, the sign area previously used, the sign area used by this application and the sign area~~
40 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;
41 common area; open space area, lot coverage and impervious surface area to be expressed
42 in square feet and percent of the site; parking, both required and provided; the land use
43 district; name of master plan, if applicable; the number and type of fireplaces; and the
44 number of dwelling units and bedrooms. **The site plan shall not contain any**

1 **information regarding signage.**

2
3 Section 7. The second unnumbered paragraph of Section 9-1-18-1(D)(1)(c)(1) of the
4 Breckenridge Town Code is amended to read as follows:
5

6 The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20'), or one
7 inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall
8 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict
9 the property corners and all permanent survey monuments. The site plan shall further
10 include the title under which the proposed plan is to be filed; the date of drawing
11 preparation and any revisions; a north arrow; the scale of drawing; the legal description
12 for the property; signature blocks; phasing lines; a data block (to include tabulation in
13 square feet of building mass and density, broken down by uses if more than 1 use is
14 proposed, and accompanied by a statement of density used by this plan and any density
15 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~
16 ~~site, the sign area previously used, the sign area used by this application and the sign area~~
17 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;
18 common area; open space area, lot coverage and impervious surface area to be expressed
19 in square feet and percent of the site; parking, both required and provided; the land use
20 district; name of master plan, if applicable; the number and type of fireplaces; and the
21 number of dwelling units and bedrooms. **The site plan shall not contain any**
22 **information regarding signage.**
23

24 Section 8. The second unnumbered paragraph of Section 9-1-18-2(D)(1)(d)(3) of the
25 Breckenridge Town Code is amended to read as follows:
26

27 The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20') or one
28 inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall
29 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict
30 the property corners and all permanent survey monuments. The site plan shall further
31 include the title under which the proposed plan is to be filed; the date of drawing
32 preparation and any revisions; a north arrow; the scale of drawing; the legal description
33 for the property; signature blocks; phasing lines; a data block (to include tabulation in
34 square feet of building mass and density, broken down by uses if more than 1 use is
35 proposed, and accompanied by a statement of density used by this plan and any density
36 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~
37 ~~site, the sign area previously used, the sign area used by this application and the sign area~~
38 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;
39 common area; open space area, lot coverage, total site disturbance area and impervious
40 surface area to be expressed in square feet and percent of site; snow stack area; parking,
41 both required and provided; the land use district; name of master plan, if applicable; the
42 number and type of fireplaces, and the number of dwelling units and bedrooms. **The site**
43 **plan shall not contain any information regarding signage.**
44

1 Section 9. Section 9-1-18-2(C)(3)(a)(1) of the Breckenridge Town Code is amended so
2 as to read as follows:

3
4 (1) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20') or one
5 inch equals ten feet (1"= 10') for sites of ten thousand (10,000) square feet or less; shall
6 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict
7 the property corners and all permanent survey monuments. It shall further include the title
8 under which the proposed plan is to be filed; the date of drawing preparation and any
9 revisions; a north arrow; the scale of drawing; the legal description for the property;
10 signature blocks; phasing lines; a data block to include: tabulation in square feet of
11 building mass and density (broken down by uses if more than 1 use is proposed, and
12 accompanied by a statement of density used by this plan, and any density remaining for
13 this site); ~~a tabulation in square feet of the total sign area allowed on the site, the sign
14 area previously used, the sign area used by this application and the sign area remaining
15 following the approval of this permit;~~ the land area of site; dwelling area; common area;
16 open space area, lot coverage, total site disturbance area, and impervious surface area to
17 be expressed in square feet and percent of site; snow stack area; parking, both required
18 and provided; the land use district; name of master plan, if applicable; the number of
19 dwelling units and bedrooms; and the number and type of fireplaces. **The site plan shall
20 not contain any information regarding signage.**
21

22 Section 10. Section 9-1-18-2(D)(1)(d)(3) of the Breckenridge Town Code is amended so
23 as to read as follows:

24
25 (3) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20'), or
26 one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less;
27 shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall
28 depict the property corners and all permanent survey monuments. The site plan shall
29 further include the title under which the proposed plan is to be filed; the date of drawing
30 preparation and any revisions; a north arrow; the scale of drawing; the legal description
31 for the property; signature blocks; phasing lines; a data block to include: tabulation in
32 square feet of building mass and density (broken down by uses if more than one use is
33 proposed, and accompanied by a statement of density used by this plan and any density
34 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the
35 site, the sign area previously used, the sign area used by this application and the sign area
36 remaining following the approval of this permit;~~ the land area of site; dwelling area;
37 common area; open space area, lot coverage, total site disturbance area, and impervious
38 surface area to be expressed in square feet and percent of site; parking, both required and
39 provided; snow stack area; the land use district; name of master plan, if applicable; the
40 number and type of fireplaces, the number of dwelling units and bedrooms. **The site plan
41 shall not contain any information regarding signage.**
42

43 Section 11. Section 9-1-19-12A "Policy 12 (Absolute)(Signs)" of the Breckenridge Town
44 Code is amended to read as follows:

1
2 9-1-19-12A: POLICY 12 (ABSOLUTE) SIGNS:

3
4 All signs shall be in compliance with the provisions of the Breckenridge Sign
5 Ordinance Code¹.

6
7 ¹See Title ~~8~~9, Chapter ~~2~~15 of this Code.

8
9 Section 12. Section (A)(9) of Section 9-1-19-38A “Policy 38 (Absolute) (Home
10 Occupations,” of the Breckenridge Town Code is deleted, and the subsequent subsections of
11 Section A are renumbered accordingly.

12
13 Section 13. Section (E)(4) of Section 9-1-19-40A “Policy 40 (Absolute) (Chalet
14 Houses)” of the Breckenridge Town Code is deleted, and the subsequent subsections of Section
15 E are renumbered accordingly.

16
17 Section 14. Section (B)(3)(a)(11) of Section 9-1-19-49A “Policy 49 (Absolute) (Vendor
18 Carts)” of the Breckenridge Town Code is amended to read as follows:

19
20 11. All signs for a large vendor cart shall be subject to the Breckenridge Sign
21 Code¹. ~~One permanent freestanding sign is allowed for a large vendor cart, unless~~
22 ~~otherwise prohibited by the Breckenridge Sign Code.~~

23
24 ¹See Title ~~8~~9, Chapter ~~2~~15 of this Code.

25
26 Section 15. Section (B)(3)(b)(14) of Section 9-1-19-49A “Policy 47 (Absolute) (Vendor
27 Carts)” of the Breckenridge Town Code is amended to read as follows:

28
29 14. All signs for a small vendor cart shall be subject to the Breckenridge Sign
30 Code. ~~The maximum sign area for a small vendor cart is sixty six percent (66%)~~
31 ~~of the linear frontage of the cart.~~

32
33 Section 16. Footnote 8 of Title 9, Chapter 1 of the Breckenridge Town Code is amended
34 to read as follows:

35
36 ⁸See Title ~~8~~9, Chapter ~~2~~15 of this Code.

37
38 Section 17. Section 9-2-3-5(C)(11) of the Breckenridge Town Code is amended to read
39 as follows:

40
41 11. Final lighting and signage plans without reference to the content of the
42 signs.

43
44 Section 18. Section 9-3-9(L) of the Breckenridge Town Code is amended to read as

1 follows:

2
3 L. Signs: ~~The placement of~~ Appropriate signage directing traffic shall be placed in
4 any off street parking facility pursuant to the Breckenridge Sign Code¹. ~~Parking~~
5 ~~lot and circulation directional signs must be approved pursuant to the Town's sign~~
6 ~~ordinance. All signs relating to off street parking facilities shall be reviewed~~
7 ~~according to the development code.~~

8
9 ¹ See Title ~~89~~, Chapter 215 of this Code.

10
11 Section 19. Footnote 5 of Title 9, Chapter 3 of the Breckenridge Town Code is amended
12 to read as follows:

13
14 ⁵See Title ~~89~~, Chapter 215 of this Code.

15
16 Section 20. Section 9-12-8(H) of the Breckenridge Town Code is amended to read as
17 follows:

18
19 H. Sign Lighting: The lighting of a sign when done in accordance with the
20 requirements of title ~~89~~, chapter 215 of this code.

21
22 Section 21. Section 9-12-12(A)(6) of the Breckenridge Town Code is amended to read as
23 follows:

24
25 6. Signage Illumination: All signage in LZ-1, LZ-2 and LZ-3 shall comply with of
26 title ~~89~~, chapter 215 this code. Signage utilizing lighting shall have fixtures
27 mounted to the top of the sign structure aimed downward onto the sign from
28 above. Fixtures shall be fully shielded so that light is directed only onto the sign
29 facade and not aimed at the sky, adjacent streets, roads or properties.

30
31 Section 22. Section E of the definition of "Commercial Handbill" in Section 11-5-2 of the
32 Breckenridge Town Code is amended to read as follows:

33
34 E. Which is not covered by the definition of a sign in section ~~8-2-39-15-5~~ of this
35 Code..

36
37 Section 23. Section 11-8-3 of the Breckenridge Town Code is amended to read as
38 follows:

39
40 11-8-3: Regulatory Scope: This Chapter primarily regulates signs and other
41 forms of government speech conveyed by the Town and other governmental
42 entities. Signs that may lawfully be placed on Town-owned property by the Town
43 or other governmental entities pursuant to this Chapter do not require a sign
44 permit issued pursuant to Title ~~89~~, Chapter 215 of this Code, or other formal

1 approval by the Town. Signage on property other than Town-owned property is
2 regulated by Title 89, Chapter 215 of this Code.

3
4 Section 24. The definition of “Subdivision Entrance Sign” in Section 11-8-4 of the
5 Breckenridge Town Code is repealed.

6
7 Section 25. Section 11-8-4 of the Breckenridge Town Code is amended by the addition of
8 the following definition:

9
GATEWAY **Has the meaning provided in Section 9-1-5 of this Code.**
ENTRANCE
MONUMENT:

10
11 Section 26. Section 11-8-5 of the Breckenridge Town Code is amended to read as
12 follows:

13
14 11-8-5 PRIVATE SIGNS PROHIBITED ON TOWN-OWNED PROPERTY;
15 EXCEPTIONS:

16
17 A. Except as specifically authorized in this Section, it is unlawful for any person to
18 place a private sign on any Town-owned property.

19 B. The following private signs may lawfully be placed on Town-owned property:

20 1. Private signs when authorized by a special events permit issued by the
21 Town pursuant to Title 4, Chapter 13 of this Code.

22 2. Private ~~subdivision entrance signs~~ **gateway entrance monuments** when
23 authorized by the Director under the following conditions:

24 (a) The ~~sign~~**monument** owner shall demonstrate that it is not feasible
25 to place the sign on private property due to site constraints, poor
26 topography, or other similar conditions.

27 (b) The ~~sign~~**monument** owner shall enter into an encroachment
28 license agreement, or similar contractual agreement, with the
29 Town, which agreement shall contain provisions concerning
30 insurance and indemnification so as to adequately protect the
31 Town from liability in the event of a claim or loss arising from the
32 placement of the ~~sign~~**monument** on such Town-owned property.

33 (c) The ~~sign~~**monument** shall be maintained as required by the terms
34 of the encroachment license agreement and this Chapter. If the
35 ~~sign~~**monument** is not so maintained the Town may order the
36 ~~sign~~**monument** removed from the Town-owned property, and if

1 the signmonument owner refuses to remove the sign, the Town
2 may remove the signmonument and may recover the costs thereof
3 from the signmonument owner.

4 (d) The signmonument shall not be placed so as to substantially
5 interfere with the Town's use of the Town-owned property, or
6 create an unsafe or hazardous condition. Without limiting the
7 generality of the foregoing, the signmonument shall not obstruct
8 the sight triangle, impede drainage or interfere with utilities,
9 pedestrian ways, snow stack areas, or snowplowing.

10 (e) The Director shall review and approve as to form and content any
11 request to place a private ~~subdivision entrance signs~~ gateway
12 entrance monuments on Town-owned property pursuant to this
13 Section before the signmonument is placed. The Director may
14 impose any reasonable conditions of approval on the placement of
15 any private ~~subdivision entrance signs~~ gateway entrance
16 monuments on Town-owned property .

17 3. Private signs placed by a real estate agent on Town-owned property as
18 authorized by Title 89, Chapter 215 of this Code.

19 4. When approved by the Director, signs, including but not limited to
20 sandwich board signs as defined in Section 9-15-5 of this Code,
21 providing information about events, activities, or museums which are
22 open to the general public, regardless of whether a fee is required to
23 gain admission, if such event, activity or museum is conducted,
24 sponsored, or provided by a Colorado non-profit corporation.

25 Section 27. Except as specifically amended hereby, the Breckenridge Town Code, and
26 the various secondary Codes adopted by reference therein, continue in full force and effect.
27

28 Section 28. This Chapter is to be published as required by Section 5.9 of the
29 Breckenridge Town Charter, and shall become effective on [REDACTED]
30

31 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
32 PUBLISHED IN FULL this ____ day of _____, 2019. A Public Hearing shall be held at the
33 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the ____ day of
34 _____, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the
35 Town.
36

37 TOWN OF BRECKENRIDGE, a Colorado
38 municipal corporation
39
40

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5

By: _____
Eric S. Mamula, Mayor

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ATTEST:

Helen Cospolich, CMC,
Town Clerk

Brk 500-29-1\2019 Sign Ordinance (01-09-19)

Memo

To: Breckenridge Town Council Members
From: Jessie Burley, Sustainability Coordinator
Date: January 16, 2019
Subject: Recycling Update

Street Can Waste Audit

In November of 2018, staff conducted a street can waste audit to better understand the challenges associated with recycling and waste management on Main St. and in our public spaces. The complete waste audit is in the council packet. Four different locations were audited both for recycling contamination (trash in the recycling bins) and for recycling potential (recycling in the trash bins). The results of the study show that coffee cups make up the majority of recycling contamination – rates of which are nearly 50%. This leads to contaminated recycling being trashed and a poor public perception of recycling. It is also a huge opportunity to educate customers at coffee shops and cafes where this waste is being generated. For the most part, users of the trash cans put landfill material in the correct bin. The study shows that there is more opportunity for education around contamination of recycling than there is with recycling going into the trash.

Staff proposes convening a work group of coffee shop and café owners/managers to collaborate on patron education around coffee cups. It was also a recommendation of the report to improve signage on street cans with clear, simple, and consistent signage. See results of this recommendation in the section below.

Street Can Signage

Industry research shows that standardized labels can increase recycling rates and significantly decrease recycling contamination. There is a national movement to standardize bin labels for this purpose. Staff worked with Recycle Across America, a national non-profit dedicated to helping people recycle right through standardization, to design signs specifically for our custom street cans. Parks staff has started installing these signs at Main St. and Watson and will be working south along Main St. The goal is to have the signs installed by February 12. In addition, labels have been ordered for bus stations and public spaces like Carter Park which have bear proof cans that are different than those found along Main St. Labels will be installed as weather permits.



2018 Glass Diversion

In 2015, the Summit County Resource Allocation Park (SCRAP), the Materials Recovery Facility (MRF) that processes Town of Breckenridge materials, stopped accepting glass in the single stream recycling. This was a recommendation by the Zero Waste Task Force (ZWTF) and was supported by the major Front Range MRFs and haulers who participated on the ZWTF.

Glass is infinitely recyclable, and unlike other materials like plastic, can be made into the same manufactured product over and over again. This process is called bottle-to-bottle and is the most valuable form of recycling. Glass that is co-mingled with other material can break throughout the recovery process, resulting in residuals that are too small to recycle. In addition, those residuals impregnate fibers like paper and cardboard, devaluing the resale of those products. Finally, glass is heavy, hard on equipment, and poses a safety threat to employees sorting material. For these reasons, glass is “source separated” for recycling.

In 2017, staff worked with Clear Intentions, a glass recycler and hauler from Denver, to start collecting glass in Breckenridge. By January of 2018, all of the Town-owned commercial enclosures had separate glass bins for restaurants in the downtown core. The Town added public glass depots at Kingdom Park, the Ice Arena, and Breckenridge Grand Vacations Community Center in February to ensure that glass recycling is accessible to the public because residential curbside service is not available. Staff added glass recycling at the Golf Course Clubhouse in August to service the restaurant and beverage carts as well as at Denison Commons, Pinewood II, Huron Landing and COTO Flats in October. The chart below illustrates the glass collection at Town-owned facilities and housing projects totaling 173.09 tons. For comparison, the two county drop off centers (Breckenridge and Frisco) collected a total of 727.6 tons of glass in 2018. Glass recycling is also offered by Clear Intentions at major lodging properties like The Village at Breckenridge and The Grand Colorado as well as restaurants not serviced by Town-owned facilities.

Clear Intentions Glass Diversion														
2018 - Weight in Lbs														
	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	YTD Total	YTD Tons
Library	0	131	298	381	258	576	488	1512	1240	780	402	203	6269	3.13
Kingdom Park/Rec	0	88	64	0	0	157	266	258	672	194	98	0	1797	0.90
Ice Rink	0	115	121	90	30	50	91	493	510	115	115	184	1914	0.96
Golf Club	0	0	0	0	0	0	0	517	617	379	0	0	1513	0.76
Peak 8 Hut	704	590	1063	371	396	919	1247	1727	1311	646	535	438	9947	4.97
Peak 9 Hut	1667	2400	3614	1388	500	1180	3128	4421	3457	1511	1248	1135	25649	12.82
Peak 10 Hut	6310	7508	7142	3392	1137	2858	5492	7479	6987	4677	3631	2849	59462	29.73
Red Mountain Hut	1667	2400	3614	1388	500	1180	2067	2555	2147	1682	1177	976	21353	10.68
Ice House Hut	1940	1559	1753	1284	201	1247	2875	2193	2404	1520	602	1113	18691	9.35
Georgian Square	10075	7311	8394	5441	1611	2962	8849	7013	7345	5356	3543	4310	72210	36.11
Boreas Mtn Hut	1395	2111	3281	1699	889	1680	2384	3357	4038	2324	4332	435	27925	13.96
Barney Ford Hut	4023	3863	6004	3118	2322	3197	4928	9082	8470	5911	4629	3971	59518	29.76
Baldy Mountain Hut	2492	3032	5127	2316	1101	2339	3935	6507	5060	3126	2464	1626	39125	19.56
Pinewood II	0	0	0	0	0	0	0	0	0	5	176	74	255	0.13
Huron Landing	0	0	0	0	0	0	0	0	0	0	286	99	385	0.19
Denison Commons	0	0	0	0	0	0	0	0	0	17	120	22	159	0.08
COTO Flats	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Community Total	30273	31108	40475	20868	8945	18345	35750	47114	44258	28243	23358	17435	346172	173.09
Public Drop Off														
Town-Owned Enclosures														
Residential HOAs														

Town-owned Trash Enclosures

Staff went out to bid for trash and recycling service in November of 2019. This included service for 1) 50 Main St. cans, 2) Town facilities (i.e. Town Hall), and 3) Town-owned commercial enclosures. Staff received one bid and is negotiating the service contract with Timberline Waste and Disposal. Changes to the program are expected to go into effect on February 18.

In addition to changes to the service contract, staff is installing card reader door locks and surveillance cameras to manage participation in the enclosures. Each business will be limited in the number of key

cards issued so staff can monitor users in the enclosures. All businesses must be approved by the Town for participation in the program. They will be required to pay an administrative fee based on the amount of waste generated, sign a user agreement acknowledging the program rules and regulations, and fill out a waste and recycling questionnaire on an annual basis. This will help ensure enclosures are "right-sized" for service and will help staff better understand waste generation by business type.

Staff has posted notices on the Town-owned commercial enclosures and will be contacting businesses directly via email with the changes and requirements of the program. Information is also posted on the Town's homepage in the Spotlight section. Businesses are encouraged to contact Public Works to start their paperwork immediately.

Main Street Waste Audit 2018



NOVEMBER 9, 2018

Authored by: Jessie Burley and Steve Worrall



**TOWN OF
BRECKENRIDGE**

Main Street Waste Audit

Purpose

The SustainableBreck Plan adopted in 2011 lays out a series of resource conservation goals including a recycling diversion rate of 40-70%. Because data isn't available for town recycling alone, staff can extrapolate that Breckenridge's recycling rate is similar to Summit County's at 23% diversion from the landfill.

Since the SustainableBreck Plan was adopted, there have been several challenges and barriers to increasing the diversion rate including but not limited to:

- Increase in number of businesses
- Changes in type of business use
- Evolving waste and recycling streams
- Town goals around waste diversion and recycling
- Increase in the number of residents and visitors
- Communication with and enforcement of private waste service providers

This study evaluates the challenges associated with public facing on-street trash and recycling cans located along Main Street at all major intersections and in Town parks and public spaces. See Exhibit A for a map of existing street and park cans. These cans are easily accessible to the public, but are not clearly and consistently labeled. Recycling cans are painted green and trash cans are painted brown. All cans have a historic look to match the aesthetics of the downtown historic core.



At the time of this study, they lack clear labeling of materials accepted in each can. This creates a sense of confusion and lack of awareness by users. Also, due to the frequency and

availability of cans along Main Street, staff is seeing increased illegal dumping by businesses and residents. All of these issues contribute to frequent trashing of contaminated recycling by the private hauler and Town staff who service the cans.

All of the Town's recycling and trash goes to the Summit County Resource Allocation Park via a private hauler. Loads that are recycling are charged a single stream fee tier based on the level of contamination. This price fluctuates based on the charges by the Materials Recovery Facility¹ in Denver that further processes, sorts, and sells Summit County's material. For levels of contamination under 5%, the hauler is charged the SS01 fee. Loads with a contamination level over 5% are charged a \$60 handling fee plus the SS02 rate. Any contamination rates over 50% are deemed trash and are charged at the \$58/ton compacted trash rate plus a \$60 handling fee.

Financially, there is more incentive for the driver to determine at the point of pick-up whether a load is deemed contaminated to avoid the penalties. Instead, by determining the load is trash they will pay the compacted trash fee of \$58/ton (minus the \$60 handling fee). This leads to trashing of recycling at the point of pick-up on Main Street. The Town has received several complaints about the private hauler and Town staff trashing recycling. It was even the topic of a [CBS Denver 4 News story on August 30, 2018](#).

In an effort to better understand the public's recycling and landfill behavior on Main Street, Town of Breckenridge staff conducted an in-house waste audit on Wednesday October 17, 2018. The goal was to understand the amount of contamination in recycling as well as the potential for increased recycling by what recyclables were left remaining in the trash.

Audit Methodology

To collect a representative sample, Parks staff chose three waste stations on Main Street to sample. Parks staff pulled trash and recycling from three major street corners along

¹ As of the time of this report, Summit County's single stream contract is with Waste Management at the Franklin St. MRF in Denver.

Main Street the morning of October 17th before they were emptied by the hauler. Staff believes the private hauler last picked up trash and recycling on the morning of October 15th. When collected by staff, each bag was roughly 1/3-1/2 full. Bags were collected from the northwest corner of Washington and Main, the northwest corner of Adams and Main, and the northeast corner of Jefferson and Main.

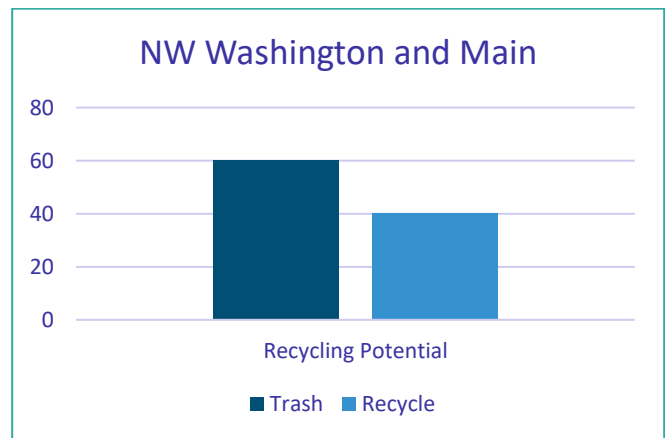
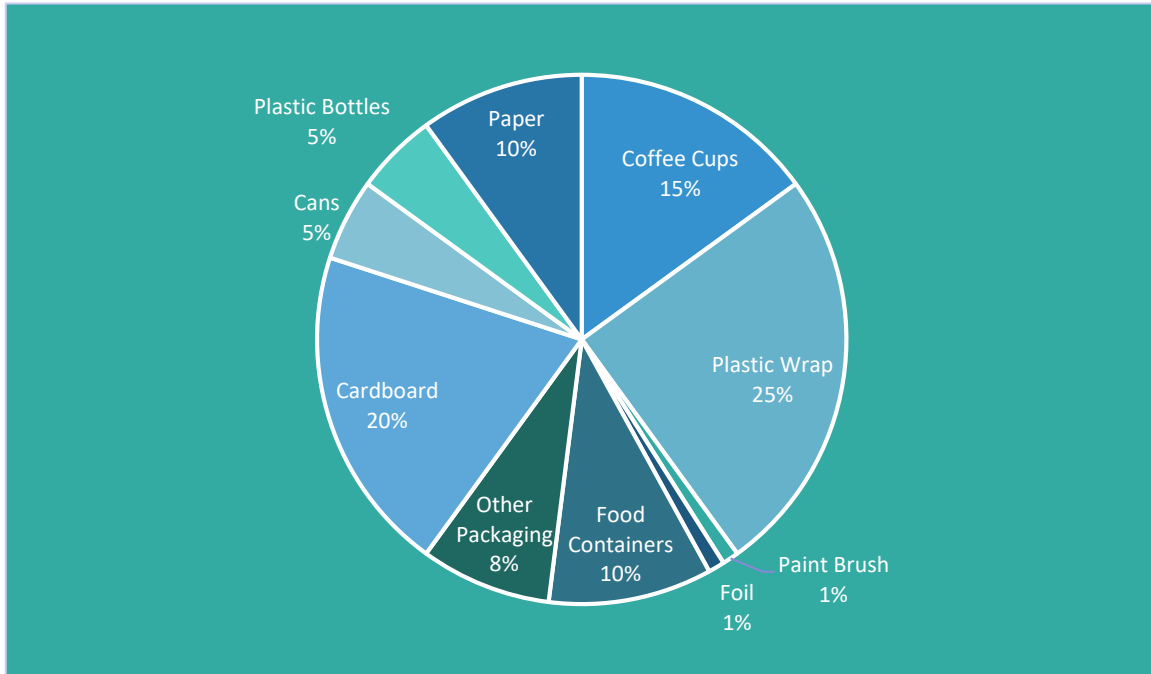
The Parks Assistant Manager and the Sustainability Coordinator received the samples at Public Works and conducted an audit and analysis on the material. Trash bags were sorted by trash vs. recyclable material and the recyclable material was further sorted into material type (glass, paper, cardboard, plastic, and metal). The recycling bags were sorted by trash and recyclable material. Staff did not weigh the material, but rather calculated percentages based on relative volume.

Audit Results

The pie charts below depict the total contents of each trash and recycle can. All three trash cans are analyzed first and the recycling cans second. The bar charts illustrate the potential for recycling and recycling contamination as a percentage of the overall waste stream in each can.

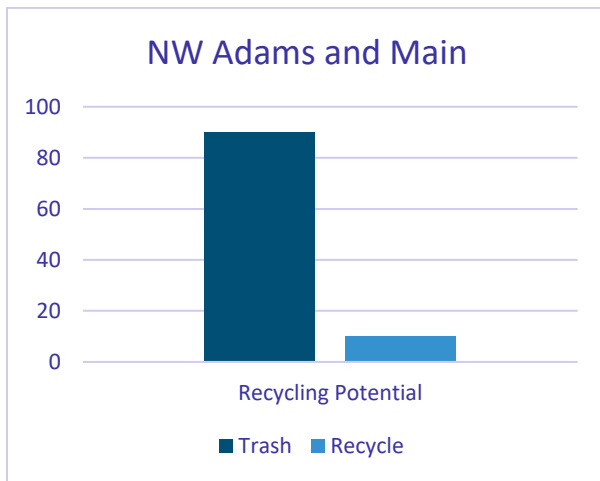
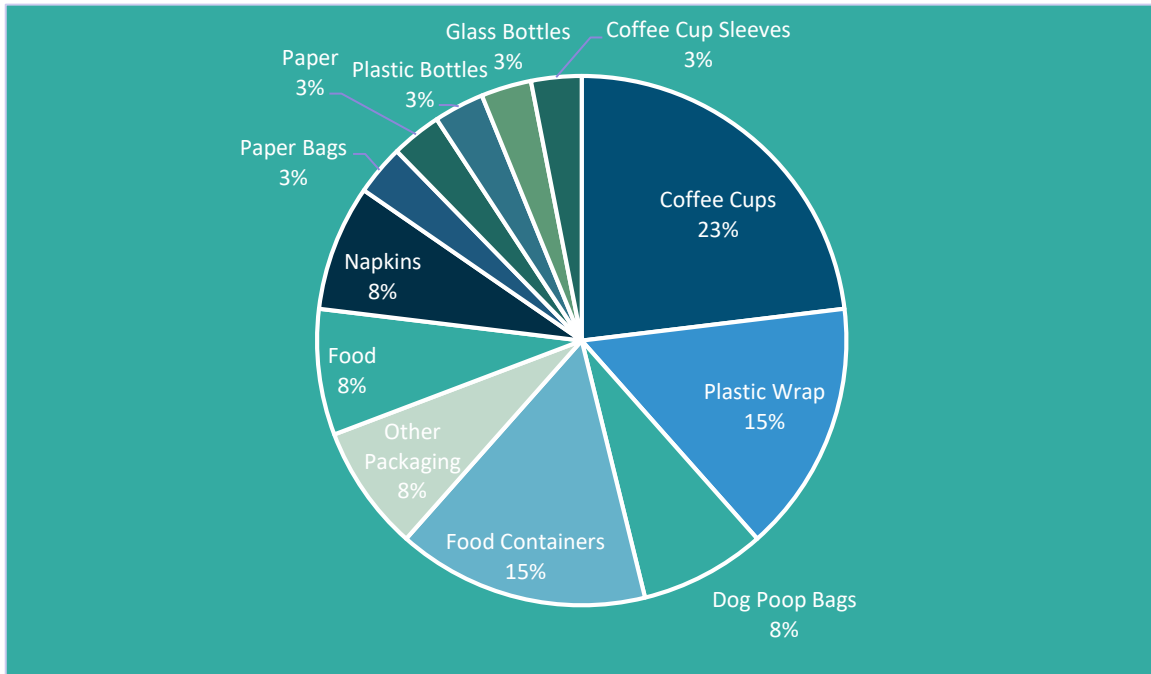
Trash and Recycling Potential

NW Washington and Main Trash Contents



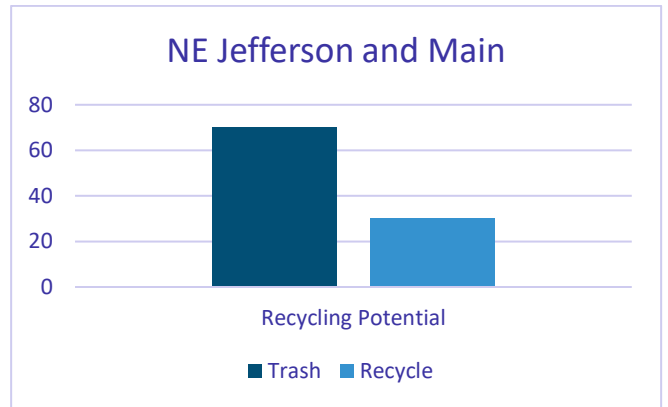
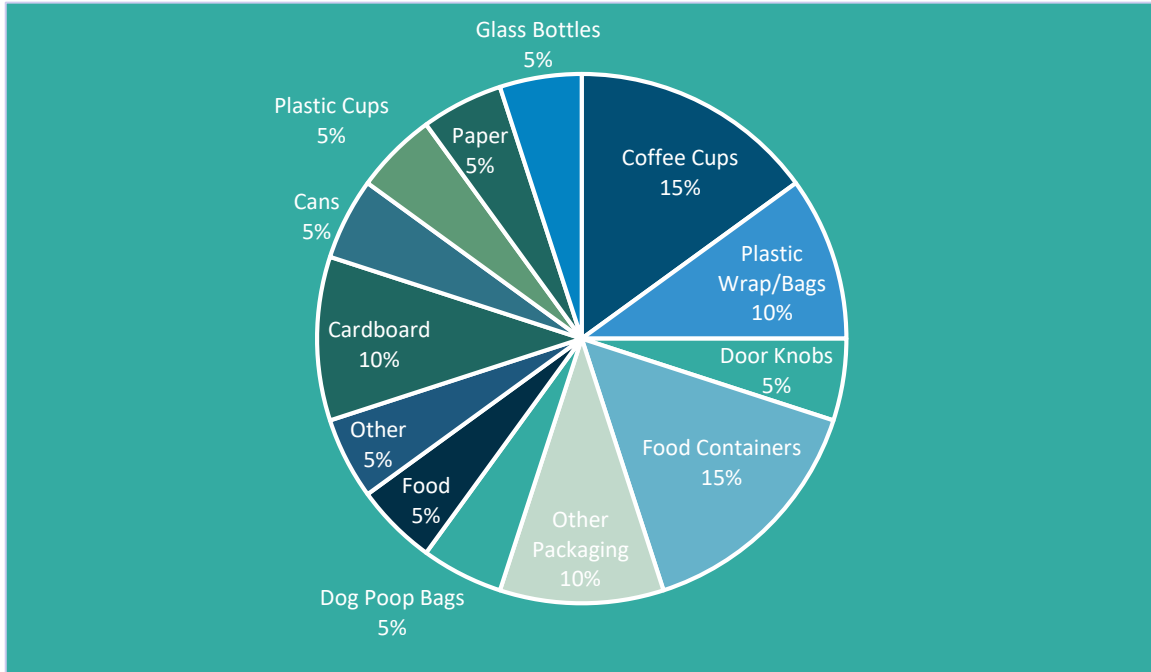
The recycling potential at NW Washington and Main is higher than other cans (40%). This anomaly was due to a single instance of holiday light packaging from street lights which made up the bulk of that material.

NW Adams and Main Trash Contents



This study did not look at compost potential of materials in street cans. However, food was a relatively small portion of the overall waste and recycling stream on Main St.

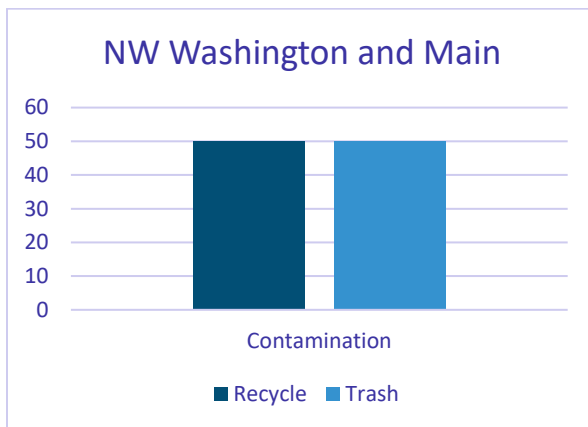
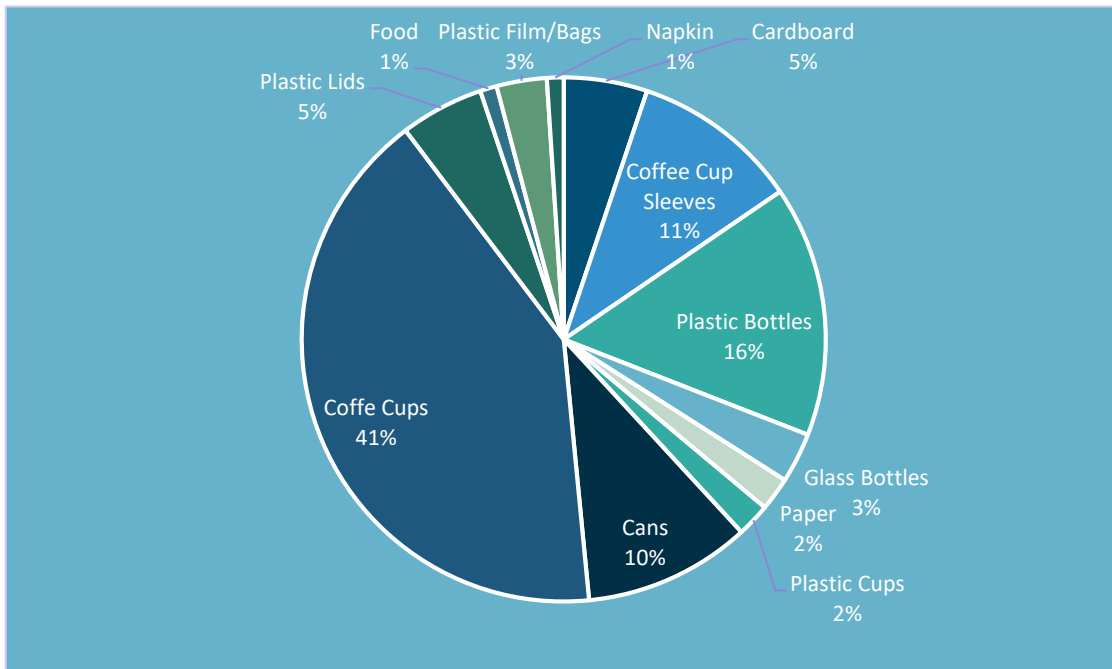
NE Jefferson and Main Trash Contents



Waste from a nearby business identified by addresses on envelopes was discovered in this can.

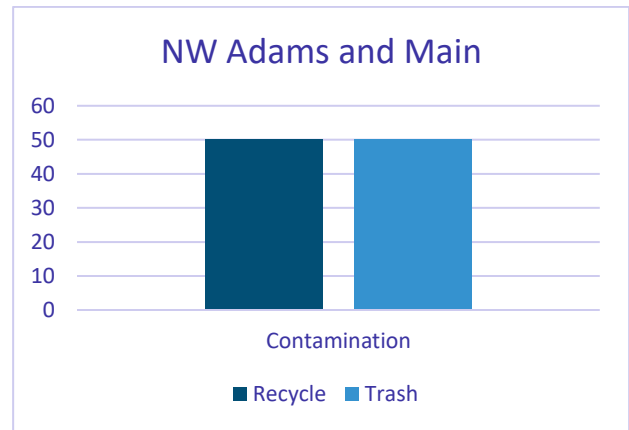
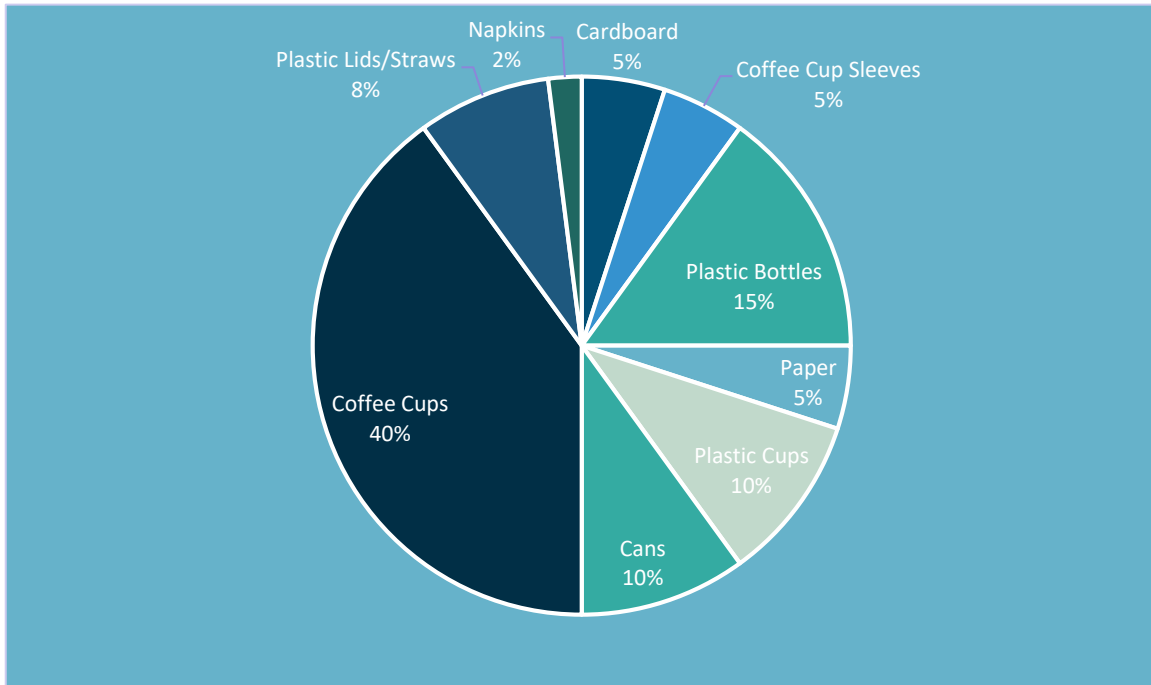
Recycling and Contamination

NW Washington and Main Recycle Contents



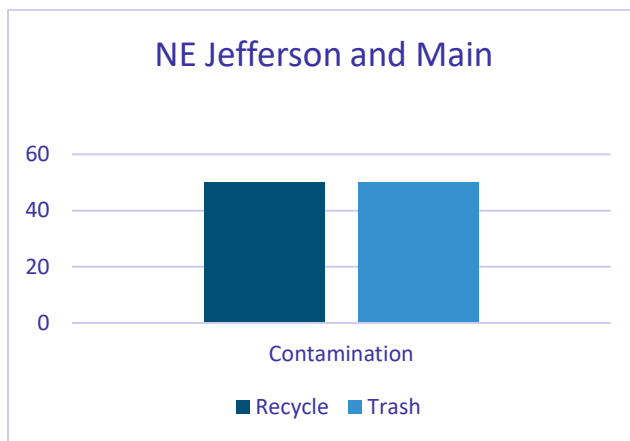
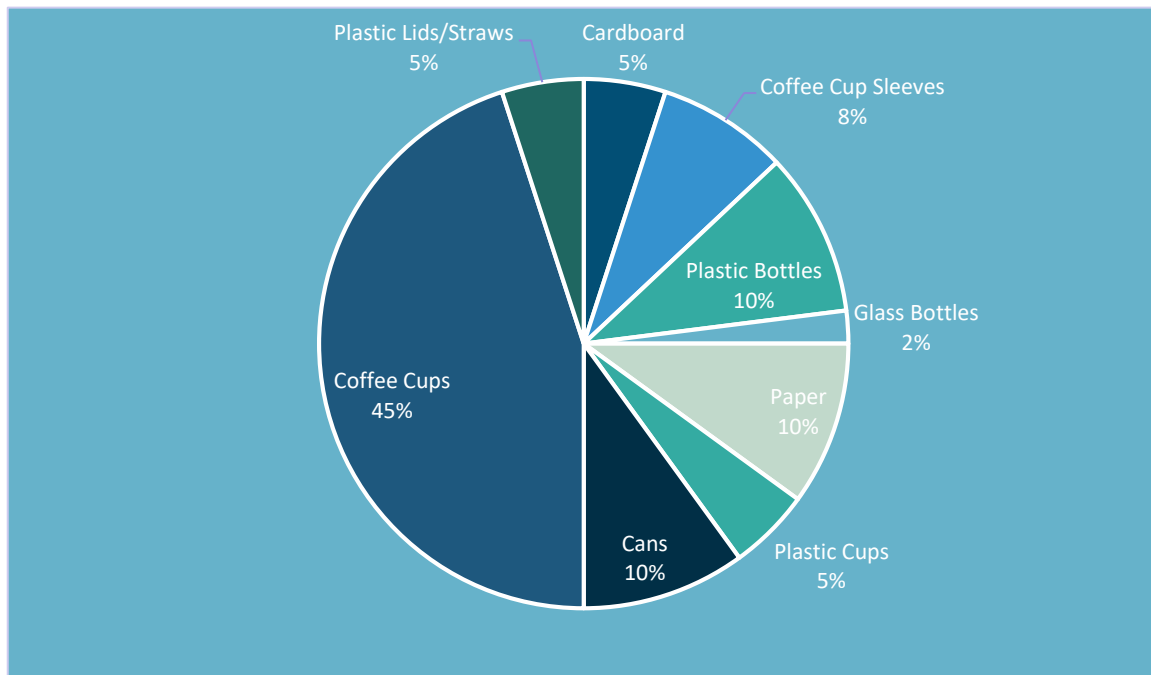
The second leading source of contamination are non-recyclable plastics like film, wrap, bags, lids and straws.

NW Adams and Main Recycling Contents



Food packaging or containers that are soiled with food but made from paper or cardboard are not recyclable and can cause confusion. This includes coffee cups, pizza sleeves and boxes and ice cream bowls.

NE Jefferson and Main Recycling Contents



Results Summary

This study sought to understand the amount of recycling in the trash (recycling potential) and the amount of contamination in recycling (trash in recycle). In general, this study showed that there is a lot more opportunity for education around contamination of the recycling than there is with recycling going into the trash. For the most part, users of the trash cans put landfill material in the correct bin. On the recycling side, the biggest hurdle is in educating users about coffee cups. There are very little opportunities to recycle

coffee cups nationwide, and Summit County’s program does not allow coffee cups of any kind, regardless of whether or not they are designated eco-friendly or have a recycling logo². Lids are also not recyclable. The cardboard coffee sleeves, however are recyclable. Coffee cups make up by far the bulk of contamination for Main Street recycling cans accounting for 43% of the total contamination across all three samples.

An average 50% recycling contamination rate validates the actions taken by the private hauler to trash recycling at the curb. Unless contamination can be reduced, this practice will continue.

Glass in Breckenridge is not allowed in single stream recycling. There are three public glass depots available for glass drop-off at Kingdom Park, Stephen C. West Ice Arena, and the Breckenridge Grand Vacations Community Center. There are no glass bins on Main Street. There were only a total of 11 glass bottles found across all six samples indicating that there is very little glass being produced on Main Street. This is below the contamination threshold.

Recommendations

Signage – There is a lack of consistent signage indicating to the public what goes where. Town staff is working with Recycle Across America to design Breckenridge specific signs from labels that are standardized nationwide. [RAA’s research](#) shows that standardized labels can increase recycling rates and significantly decrease contamination. Those signs will be installed by year end 2018.



² Recycling logos on packaging are a source of major confusion for the public. While recycling programs use that information to describe what is and is not recyclable, the actual intent of the logos on packaging indicate what the material is made from. In the case of coffee cups, a recycling logo can indicate that the coffee cup was made with post-consumer recycled content, not that it means it is actually recyclable. Alpine Waste and Recycling, a major competitor of Waste Management on the Front Range has started a coffee cup pilot program at their Materials Recovery Facility. Summit County single stream recycling does not currently use Alpine Waste and Recycling.

Targeted Education – Town staff will convene a work group of coffee shop owners and managers in town to discuss solutions to the coffee cup contamination. Pending award of a state grant in early 2019, funding will be available to create a marketing and education campaign, branded in the same manner of other SustainableBreck initiatives that directly targets coffee cups on Main Street.



Reusable Coffee Cup Program – As part of the work group on coffee cups, staff will explore the feasibility of a reusable coffee cup program that encourages reusable coffee cups with a significant financial incentive. Staff will also work with coffee shops to offer to-go by request only and serve coffee in durable dishware by default when possible.

Long-term County and Non-Profit Partnerships –Alpine Waste and Recycling has a pilot program that accepts coffee cups and lids, therefore it is recommended that Breckenridge work with the SCRAP to explore opportunities to accept coffee cups. The County has a contract with Waste Management to accept single stream generated in Summit County, so that contract would have to expire before there would be an opportunity to change MRFs and programs. In addition, the town can partner with High Country Conservation Center to specifically address and educate consumers about coffee cups.

Study Number of On-Street Cans – It is possible that the high number of on-street cans provides ample opportunity for abuse from local businesses and residents. Staff recommends a study that looks at the number of cans and their use, perhaps even testing the removal of some on-street cans to better manage and monitor contamination. It could also improve the aesthetics of Main Street by not having trash and recycling at every street corner and mid-block. Reduction in cans can ease winter snow removal operations and the overall walkability of an at times, congested Main Street.

Pending the award of a state grant in 2019, staff will conduct a smart technology pilot program during the spring and summer of 2019 with Big Belly trash and recycling compactor cans. Smart technology and compactors allow for less pick-ups, greater capacity, and better communication about material streams. The pilot will also allow staff to evaluate the aesthetics of the cans as it relates to the historic downtown core.

Conclusion

Results from this waste audit show that for on-street public trash and recycling cans, coffee cups are the most problematic in terms of improving contamination rates. There is very little recycling in the trash and there is very little glass being produced on Main Street. A follow up waste audit will be conducted after installation of signage to measure the differences in contamination levels and again after implementing a coffee cup education program.





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Contractor
Trash Recycle

