

ORDINANCE NO. 01 - 24
Series of 2024

**AN ORDINANCE AMENDING CHAPTER 16 OF THE DILLON
MUNICIPAL CODE REGARDING WASTE AND RECYCLING
ENCLOSURES**

WHEREAS, the Town Council desires to adopt regulations pertaining to waste and recycling enclosures; and

WHEREAS, the Planning and Zoning Commission studied a draft of this Ordinance, and heard evidence and testimony, in a public hearing at its November 1, 2023 meeting, and after such public hearing adopted Resolution No. PZ 07-23, Series of 2023, recommending that the Town Council adopt the same; and

WHEREAS, the Town Council held a public hearing on this Ordinance on March 19, 2024, at which hearing evidence and testimony were received, and after such public hearing finds that the Ordinance should be adopted.

**NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN COUNCIL OF THE
TOWN OF DILLON, COLORADO, AS FOLLOWS:**

Section 1. Chapter 16, Article IV of the Dillon Municipal Code is hereby amended by the addition of a new Section 16-4-55, to read as follows:

Sec. 16-4-55. - Waste and recycling enclosures required.

A. *New development.*

1. Except as provided in subsection B, all development projects undertaken following the effective date of the ordinance codified herein must provide at least one (1) permanent waste receptacle and one (1) permanent recycling receptacle of a size, scale, and capacity sufficient to accommodate the development and its occupants on site, whether attached to or detached from the principal structure on the site.

2. Waste and recycling receptacles installed as part of new development projects must be fully contained within a single enclosure, on the subject development property, that meets the design specifications set forth in Section 16-8-75. However, properties providing more than two (2) receptacles, may construct more than one (1) enclosure if not prevented by other provisions of this Code.

3. Enclosures may be attached to or detached from the principal structure on the site; except that, enclosures associated with large commercial

structures shall, to the greatest extent practicable, incorporate the enclosure into the primary structure.

4. Enclosures must be sited such that they are not a dominant feature on the frontage of the property.

5. All restaurant developments shall include adequate space for a commercial grease receptacle, appropriately sized for the restaurant(s) activities, within the trash and recycling enclosure and said enclosure should be located as close to the kitchen service door as practicable.

6. Trash and recycling storage enclosures or structures meeting the definition set forth in Section 16-1-200 for accessory structure, will be classified as such. Enclosures not meeting such definition will be classified as primary uses.

B. *Permissive waiver.*

1. The Town Council may, but is not required to, waive the requirement, set forth in subsection A, that each new development must provide at least one (1) permanent waste receptacle and one (1) permanent recycling receptacle on site, if and only if the applicant for new development:

a. Demonstrates to the Town Council's satisfaction that the new development project will be adequately served by permanent waste and recycling receptacles located on an adjacent property that are of a size, scale, and capacity sufficient to accommodate waste and recycling from the new development, including its future occupants, in addition to all existing developments and occupants being served by such waste and recycling receptacles; and

b. Enters into an agreement with the Town and such adjacent property owner or owners setting forth:

i. The right of the applicant developer to use existing permanent waste and recycling receptacles located on an adjacent property;

ii. The applicant developer's obligation to the Town, and permission from the adjacent property owner or owners, to construct an enclosure to contain such receptacles meeting the requirements of this Article, including but not limited to the design specifications set forth in Section 16-8-75, within a reasonable timeframe as determined by the Town;

iii. A reasonable allocation of responsibilities for maintaining, repairing, replacing, and removing such permanent waste and recycling receptacles and enclosure, and for keeping the receptacles and enclosure clean and clear of snow and ice, refuse, and other obstructions; provided that, the

Town shall not be liable for any such responsibilities, and all parties to the agreement, except the Town, shall be jointly and severally liable to the Town for such responsibilities;

iv. The applicant developer's agreement to bind itself and its heirs, successors, tenants, and assigns to all applicable requirements of the agreement and this Article, and the right of the Town to record the agreement such that it will run with the land, and bind and inure to the benefit of the Town the applicant developer and the applicant developer's heirs, successors, tenants, and assigns;

v. The applicant developer's acknowledgment and agreement that the permissive waiver may be revoked by written order of the Town Council upon the failure of the applicant developer or any of its tenants to comply with the agreement or any applicable provision of this Article, in which case the applicant developer will be required to fully comply with subsection A of this Section within the number of days set forth in such written order; and

vi. A requirement that the applicant developer furnish and maintain with the Town a good and sufficient surety in the amount of \$24,000 to secure compliance with the maintenance and other applicable provisions of the agreement and this Article, which may be drawn upon by the Town should the Town determine it necessary to perform or cause to be performed any obligation of the applicant developer established in the agreement or this Article.

2. For purposes of this Section, the term "applicant developer" shall be deemed to include the applicant developer's heirs, successors, tenants, and assigns.

C. *Permits required.* Notwithstanding anything in this Code to the contrary, it is unlawful for any person to construct, or cause to be constructed, a waste and recycling enclosure without having first obtained a valid development permit and building permit. Permits shall be obtained for the construction, demolition, reconstruction, adding a roof to or reroofing, and structural maintenance of a trash and recycling enclosure.

D. *Enclosure maintenance requirements; existing and new.*

1. All enclosures shall be structurally sound, maintained in good condition and repair, kept clear of snow and ice, and kept clean at all times by the owner of the subject property.

2. Any enclosure that is determined by the Town to be in disrepair or pose a hazard to safety, health, or public welfare, shall be deemed a nuisance, and the Town shall have each of the remedies set forth in Chapter 7 of this Code determined necessary to abate such nuisance (e.g., cleaning, repair,

maintenance, or removal and replacement), including the authority to abate the nuisance, following the owner's failure to do so on its own during the applicable notice period, and charge the property owner for the full cost of the work, which if unpaid will become a lien upon the respective property. The foregoing remedy may be exercised in addition to the Town's exercise of any other remedies set forth in this Code.

Section 2. Section 16-8-70 of the Dillon Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 16-8-70. - Service areas.

Service areas, outdoor storage, waste and recycling receptacles, ~~garbage cans~~ and waste and recycling enclosures and ~~trash~~ storage areas shall be screened from adjacent properties, streets and other public areas by fences, planting or other suitable means as approved by the Town.

Section 3. Chapter 16, Article VIII of the Dillon Municipal Code is hereby amended by the addition of a new Section 16-8-75, to read as follows:

Sec. 16-8-75. - Waste and recycling enclosures.

A. *Design specifications.* Waste and recycling enclosures required pursuant to Section 16-4-55 of this Code must meet the following design specifications:

1. Enclosures must be fitted with a roof designed to support snow and wind loads, and such that the roof will not be damaged during the servicing of containers within the enclosure.
2. Enclosure design submittals must include at least one (1) written statement from a licensed waste hauler confirming that such waste hauler is able to access the waste receptacle or container with the waste hauler's standard hauling equipment for waste removal based on the proposed design and site configuration. Access to the waste receptacle by haulers shall be designed to avoid interference with vehicle traffic to the greatest extent practicable.
3. To prevent damage to the enclosure and receptacle during servicing, enclosures for large capacity steel receptacles, "Dumpsters", must be designed with bollards along the interior backside of the enclosure, and on each side of the container perpendicular to the service opening to the enclosure.
4. Service openings on enclosures must be designed to provide not less than eighteen inches (18") of clearance on each side of the proposed container. The opening corners must be designed with protection (bollards, steel angle iron, etc.) to prevent damage during servicing.

5. Swing gates must have a minimum eight inch (8") clearance above the ground to accommodate potential clearance issues such as snow accumulation. Overhead doors are preferred and recommended as they are not subject to issues with snow accumulation, and create a seal superior to swing gates to prevent the attraction of vermin.

6. Enclosure must be designed with a pedestrian access doorway, with a minimum width of thirty-six inches (36").

7. All enclosures must provide space for a recycling container equal to fifty percent (50%) of the space provided for the trash container. Enclosures associated with restaurants shall also provide adequate space for a grease container.

8. The design, color, and materials of the enclosure must be architecturally compatible with the primary structure on the site.

9. Enclosures must be ventilated but the ventilation does not need to be mechanical unless required by applicable building codes.

10. Enclosures must be landscaped sufficiently to screen the structure from adjoining properties or roadways.

11. Proposed trash and recycling enclosures associated with large commercial structures shall, to the greatest extent practicable, incorporate the waste receptacle enclosure into the primary structure.

12. Trash enclosures inside a primary structure shall provide a floor drain connected to the sanitary sewer system for the building for the purposes of periodic cleaning of the trash enclosure floors. A sand and grease interceptor shall be installed on the drain line. The interceptor shall be inspected and maintained at least annually, with reports provided to the Town.

Section 4. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 5. Repeal. All other ordinances, or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 20TH DAY OF FEBRUARY, 2024.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 19TH DAY OF MARCH, 2024.



TOWN OF DILLON,
a Colorado municipal corporation

DocuSigned by:
Carolyn Skowyra
By: _____
A5699C0800FD487...
Carolyn Skowyra, Mayor

ATTEST:

DocuSigned by:
Adrienne Stuckey
B547C520A615476...
Adrienne Stuckey, Town Clerk