

RESOLUTION NO. PZ 07-23
Series of 2023

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
CHAPTER 16 OF THE DILLON MUNICIPAL CODE REGARDING WASTE AND
RECYCLING ENCLOSURES.**

WHEREAS, there has been prepared a draft ordinance setting forth regulations pertaining to waste and recycling enclosures; and

WHEREAS, pursuant to Section 16-1-60 of the Code, the Planning and Zoning Commission of the Town of Dillon (the "Planning Commission") has reviewed the draft ordinance, and held a duly-noticed public hearing thereon, at which hearing evidence and testimony were entered into the record; and

WHEREAS, based on the evidence, testimony, and documents made part of the record of the public hearing, the Planning Commission recommends the Town Council adopt the draft ordinance setting forth regulations pertaining to waste and recycling enclosures.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO, AS FOLLOWS:

Section 1. Pursuant to Section 16-1-60 of the Dillon Municipal Code, the Planning Commission hereby recommends that the Town Council adopt the ordinance setting forth regulations pertaining to waste and recycling enclosures, attached hereto as Exhibit A.

APPROVED AND ADOPTED THIS 1ST DAY OF NOVEMBER, 2023, BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF DILLON, COLORADO.

**PLANNING AND ZONING COMMISSION,
TOWN OF DILLON**

By: _____
Alison Johnston, Chairperson

ATTEST:

Elizabeth Muzi, Secretary to the Commission

EXHIBIT A

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**ORDINANCE NO. _____ - 23
Series of 2023**

**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 _____, 2023, 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. 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. 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. *Permits required.* Notwithstanding anything in this Code to the contrary, it is unlawful for any person to construct, or cause to be constructed, a trash and recycling enclosure without having first obtained a valid development permit and building permit.

C. *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.

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 ____ DAY OF _____, 2023.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS ____ DAY OF _____, 2023.

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

ATTEST:

Adrienne Stuckey, Town Clerk