

ORDINANCE NO. 34

Series 1996

AN ORDINANCE AMENDING TITLE 5 OF THE BRECKENRIDGE TOWN CODE, ENTITLED "PUBLIC HEALTH AND SAFETY," BY ADOPTING PROVISIONS CONCERNING THE USE OF TRASH DUMPSTERS AND TRASH COMPACTORS

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

Section 1 There is hereby added to the Breckenridge Town Code, a new Chapter 6 of Title 5, to be entitled "Trash Dumpsters and Compactors," which shall read in its entirety as follows:

CHAPTER 6  
Trash Dumpsters and Compactors

SECTION:

- 5-6-1: Legislative Intent
- 5-6-2: Finding of Local Concern
- 5-6-3: Definitions
- 5-6-4: Use of Approved Trash Dumpster Enclosure Required
- 5-6-5: Continued Use of Non-Conforming Trash Dumpster Enclosure Allowed; Limitations
- 5-6-6: Specifications for Approved Trash Dumpster Enclosure
- 5-6-7: Use of Approved Trash Dumpster Enclosure
- 5-6-8: Maintenance of Approved Trash Dumpster Enclosure
- 5-6-9: Use of Town Designated Trash Compactor Facility

**5-6-1 Legislative Intent.** The purpose of this Chapter is to protect the public health, safety and welfare by regulating the use of trash dumpsters and compactors. The requirements of this Chapter are intended to help prevent (i) conditions that may result in the harboring of undesirable pests and rodents, (ii) conditions which are unsightly and therefore detract from the aesthetic appearance of the community which may affect the value of real property, and (iii) conditions which may otherwise constitute a safety hazard.

**5-6-2 Finding of Local Concern.** The Town Council hereby finds and determines that the regulation of the use of trash dumpsters and compactors is a matter of local concern upon which home rule municipalities in Colorado are fully empowered to legislate and to act to supersede conflicting state statutes.

**5-6-3 Definitions.** As used in this Chapter, unless the context clearly requires otherwise:

Approved Trash Dumpster Enclosure -- A secure, safe and sanitary Trash Dumpster Enclosure which is designed and constructed to meet applicable Town specifications as set forth in Section 5-6-6 of this Code.

Non-Conforming Trash Dumpster Enclosure -- A Trash Dumpster Enclosure which is not an approved Trash Dumpster Enclosure. A non-conforming trash dumpster enclosure includes a dumpster with no enclosure.

Recyclable Materials -- Discarded glass, newspaper, office paper, cardboard, metal and aluminum, tin and plastics which are separated from other refuse for the purpose of recycling.

Refuse -- All forms of solid waste, including garbage, rubbish, trash, recyclable materials, and similar material.

Town Designated Trash Compactor Facility -- A structure owned or under the control of the Town which includes a trash compactor.

Trash Compactor -- A device that compresses refuse into small bundles for easy disposal. Where a trash compactor is installed, it is a part of a Trash Dumpster Enclosure.

Trash Dumpster -- A metal refuse container which is designed to be emptied on site by a specifically equipped refuse collection truck.

Trash Dumpster Enclosure -- A structure which is designed and used to (i) house a trash dumpster and/or a trash compactor, (ii) screen a trash dumpster and/or trash compactor from view, and (iii) keep the refuse which is deposited in such enclosure from being scattered. The term "Trash Dumpster Enclosure" includes both non-conforming Trash Dumpster Enclosures and approved Trash Dumpster Enclosures.

**5-6-4 Applicability.** Except as authorized in Section 5-6-5, no unenclosed trash dumpster or non-conforming Trash Dumpster Enclosure shall exist within the Town. Compliance with this chapter shall be required as follows:

- A. Concurrently with any new development or further development of an existing site proposing use of a trash dumpster or compactor, requiring the issuance of a Class A, B, or C development permit;
- B. At the time of the structural repair or alteration of a non-conforming Trash Dumpster Enclosure;
- C. At the time of installation of an additional trash dumpster or trash compactor on a developed site; or
- D. At the time of the loss of the right to continue to use a non-conforming Trash Dumpster Enclosure as provided in Section 5-6-5 of this Code.

**5-6-5 Continued Use of Non-Conforming Trash Dumpster Enclosure Allowed; Limitations.**

A. Except where the use of an approved Trash Dumpster Enclosure is required by Section 5-6-4 of this Code, a trash dumpster with a non-conforming enclosure which was legally placed on a site and in use prior to the adoption of this Chapter may continue to be used until October 31, 2000. Not later than such date, all Trash Dumpsters shall have an Approved Trash Dumpster Enclosure in compliance with the requirements of this Chapter.

However, upon a showing of good and sufficient cause, with regard to any property owner seeking to comply with the design requirements of Section 5-6-6 for an existing development, the Director may (i) waive or reduce applicable setback requirements; (ii) waive or reduce density or mass limitations, (iii) waive or reduce site parking requirements, and (iv) waive any of the design requirements of this Chapter with respect to any Trash Dumpster which was legally placed on a site and in use prior to the adoption of this Chapter, if the Director determines that such waiver or reduction is consistent with the intent of this Chapter and that such waiver or reduction does not present a risk to the health, safety or welfare of the public.

B. The right to continue to use a non-conforming Trash Dumpster Enclosure until October 31, 2000 shall be subject to the following conditions:

1. If the non-conforming Trash Dumpster Enclosure is not used for a period of six consecutive months, the non-conforming Trash Dumpster Enclosure shall not be used again and shall be replaced with an approved Trash Dumpster Enclosure prior to resumption of use.

2. If any non-conforming Trash Dumpster Enclosure is damaged or destroyed by fire or other cause to the extent of more than fifty percent (50%) of its replacement cost at the time of destruction, the non-conforming Trash Dumpster Enclosure shall be replaced with an approved Trash Dumpster Enclosure.

3. No non-conforming Trash Dumpster Enclosure shall be structurally altered or expanded, except to bring such Trash Dumpster Enclosure into compliance with the provisions of this Chapter. A non-conforming Trash Dumpster Enclosure may be subject to normal maintenance and repair including, but not limited to, residing, re-roofing and painting, without the loss of the right to continue using such enclosure so long as the non-conforming Trash Dumpster Enclosure is not altered or expanded.

4. In the event a non-conforming Trash Dumpster Enclosure is determined by a court of competent jurisdiction to be a nuisance, the Court may order that such enclosure be replaced with an approved Trash Dumpster Enclosure.

5. If at any time there is a Town Designated Trash Compactor Facility located within 300 feet of such non-conforming Trash Dumpster Enclosure, the Town requires the abandonment and removal of a non-conforming Trash Dumpster Enclosure upon sixty (60) days notice to the owner thereof per Section 5-6-9 of this Code.

C. The use of an unenclosed temporary trash dumpster shall be permitted during construction of a project until such time that the final Certificate of Occupancy is issued.

**5-6-6 Specifications for an Approved Trash Dumpster Enclosure.** An approved Trash Dumpster Enclosure shall meet the following specifications:

A. The enclosure shall have a roof designed to support an 85 pounds per square foot snow load, or as approved by the Breckenridge Building Department. The roof shall be reinforced so that contact

with the enclosure during refuse removal will not damage the roof, structure or veneer of the enclosure.

B. Collection access to the enclosure must be screened in a manner meeting the following specifications:

1. Collection access opening within the Historic District shall be a maximum of nine (9) feet in height; access opening outside the Historic District shall be a minimum of nine (9) feet in height, or as approved by the Planning Department.

2. Collection access opening width shall be a minimum of 12 feet. Where steel supports the structure and the gates, the access opening width can be reduced to 10 feet.

3. Swinging gates shall have eight (8) inches minimum clearance above the ground. Devices shall be installed to prevent gates from swinging into the Trash Dumpster Enclosure, and to secure the gates open during refuse collection.

C. The doors of the enclosure are encouraged to be the mechanically lifted overhead type operable by a remote control device set to the refuse hauler's frequency.

D. A 36 inch minimum width access opening for pedestrians shall be included in the enclosure design.

E. The design, color and materials of the enclosure shall be architecturally compatible with that of principal structures. Where an enclosure is located within Historic District boundaries, architectural design shall comply with the most current edition of the Handbook of Design Standards for the Historic and Conservation Districts.

F. Ventilation shall be provided. Non-mechanical ventilation is acceptable.

G. Two protective bollards shall be installed to the rear of the dumpster within the enclosure to limit dumpster movement. Bollards shall be at least three (3) feet in height, a minimum of four (4) inches in diameter, and shall be installed seven (7) feet back from the access opening.

H. A storage area for recyclable materials shall be provided. The recycling area shall provide containers for material separation and be protected under a roof. The minimum required size of the recycling storage area shall be based on a recycling program to be submitted by the applicant and approved by the Director.

I. Trash Dumpster Enclosures shall not be used to store ashes from wood burning appliances. All developments with wood burning appliances shall provide for the safe disposal of ashes and similar waste in a clearly labeled container to the exterior of the Trash Dumpster Enclosure.

J. A restaurant that generates grease shall incorporate a grease receptacle into their enclosure's design.

K. It is recommended that new construction incorporate the Trash Dumpster Enclosure into the principal structure.

L. The rehabilitation of historic sheds as Trash Dumpster Enclosures is encouraged.

M. Area within a trash dumpster enclosure may be utilized for storage to the extent that such storage does not interfere with housing or collection of refuse.

**5-6-7 Use of Approved Trash Dumpster Enclosure.** Except as provided in subparagraph 5-6-6-M, trash dumpster enclosures are for storage and collection of refuse and grease receptacles only. It shall be unlawful for any person to use, or to permit the use of, an approved or non-conforming Trash Dumpster Enclosure for any other purpose.

**5-6-8 Maintenance of Approved Trash Dumpster Enclosure.** All Trash Dumpster Enclosures shall be structurally sound, maintained in good repair and kept clear of snow. No trash dumpster shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance or dilapidation.

The exterior surfaces of all Trash Dumpster Enclosures shall be kept neatly painted and clean at all times. In addition to other remedies provided for in this Chapter and Code, the Town shall have the authority to order the painting, repainting, staining, repair, maintenance or removal of all Trash Dumpster Enclosures which have become dilapidated or a hazard to safety, health or public welfare.

If such a condition is determined by the Director to exist, the Director shall give notice thereof by certified mail, return receipt requested, to the owner of such Trash Dumpster Enclosure at the address of the property on which the enclosure is located. If, within 15 days from service of the notice, or such additional time as the Director may permit, the Director's order is not complied with, the condition shall be deemed to be a nuisance and may be abated as provided in Chapter 1 of Title 5 of this Code. In the event of a judicial decision that a nuisance exists, the Court may order the painting, repainting, repair, maintenance or removal of the Trash Dumpster Enclosure.

**5-6-9 Use of Town Designated Trash Compactor Facility.**

A. If a Town Designated Trash Compactor Facility is located within 300 feet, measured from the nearest exterior door of the building to the nearest portion of the trash compactor using a route of direct pedestrian access, all refuse generated at such building shall be placed in the Town Designated Trash Compactor Facility for disposal and all non-conforming Trash Dumpster Enclosures within such area shall be abandoned and removed by the owners of such enclosure.

B. In lieu of using the Town Designated Trash Compactor Facility, a person whose property or business exists within 300 feet of such facility may construct upon such person's property (and not upon public property) an approved Trash Dumpster Enclosure provided that legal vehicular access for waste collection is available. All necessary development and building permits must be obtained prior to enclosure construction.

Section 2. There is hereby added to the list of definitions set forth in Section 9-1-5 of the Breckenridge Town Code new definitions which shall read in their entirety as follows:

Refuse -- All forms of solid waste, including garbage, rubbish, trash, recyclable material, and similar material.

Approved Trash Dumpster Enclosure -- A secure, safe, and sanitary trash dumpster enclosure which is designed and constructed to meet applicable Town specifications as set forth in Section 5-6-6 of this Code.

Section 3 There is hereby added to the definition of "Class C Development" set forth in Section 9-1-5 of the Breckenridge Town Code, a new item which shall read as follows:

- Construction of approved Trash Dumpster Enclosure.

Section 4 There is hereby added to the definition of "Class D Development" set forth in Section 9-1-5 of the Breckenridge Town Code, a new item which shall read as follows:

- Conversion of non-conforming Trash Dumpster Enclosure to approved Trash Dumpster Enclosure.

Section 5 Policy 15, entitled "Refuse," set forth in Section 9-1-19 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

15. (Absolute) Refuse: All development shall provide an enclosed, screened location for the storage of refuse. An approved Trash Dumpster Enclosure is required for all trash dumpsters and compactors in accordance with Title 5, Chapter 6, of this Code. If the manner of storage or collection requires vehicular access, it shall be provided in such a way so as not to impair vehicular or pedestrian movement along public rights-of-way.

The Town finds that individual refuse pickup for multi-unit residential developments of six units and greater, and developments of more than three duplexes, is inconvenient, inefficient and potentially hazardous in a community with a high percentage of short term rental units. Multi-unit residential developments of six units and greater, and developments of more than three duplexes shall provide a trash dumpster or compactor with an approved trash dumpster enclosure.

15. (Relative) Refuse: All developments are encouraged to provide for the safe, functional and aesthetic management of refuse beyond that required by Title 5, Chapter 6, Trash Dumpsters and Compactors.

A. The following Trash Dumpster Enclosure design features, set forth in Section 5-6-6, "Specifications for Approved Trash Dumpster Enclosure", are encouraged to be incorporated in the enclosure design.

- 1x (+ 1) Mechanically lifted overhead door with remote set to hauler's frequency.
- (+ 2) Incorporation of Trash Dumpster Enclosure into a principal structure.

(+2) Rehabilitation of historic sheds for use as an approved Trash Dumpster Enclosure, in a manner that preserves the integrity of the historic structure.

B. Provision of public facilities which integrate with existing and future Town waste management programs is strongly encouraged.

2x (0/+2) Dedication of sufficient land or granting easements to build community waste management facilities.

(+1) Dumpster sharing among neighboring property owners; and having the shared dumpster on site.

(0/+2) Dedication of easements for public accessed recycling facilities.

**Section 6** Except as specifically amended hereby, the Breckenridge Town Code and the various secondary codes adopted by reference herein, shall continue in full force and effect. All regulations in conflict with this ordinance are hereby null and void.

**Section 7** The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

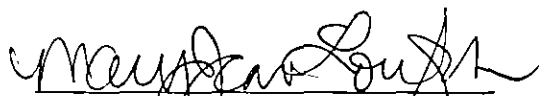
**Section 8** The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

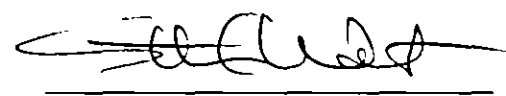
**Section 9** This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 10th day of September, 1996. A Public hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of September, 1996, at 7:30 P.M. or as soon thereafter as possible in the Municipal Building of the Town

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor


This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 18, 1996.

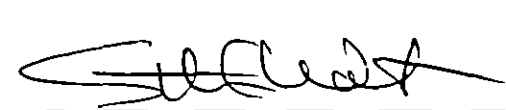
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 24th day of September, 1996.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.

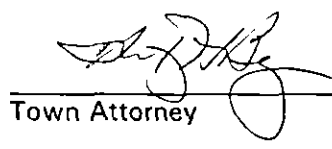
ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney

9/24/96  
Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 2, 1996.