

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER SANG
Council Bill No. 25
Ordinance No. 1454
Series of 2009

TITLE: AN ORDINANCE AMENDING SECTION 26-614 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING TRASH DUMPSTER REGULATIONS (CASE NO. ZOA-09-04)

WHEREAS, the City Council of the City of Wheat Ridge is authorized by Home Rule Charter and the Colorado Constitution and statues to enact and enforce ordinances for the preservation of public health, safety and welfare; and

WHEREAS, in the exercise of that authority, the City Council wishes to amend the Wheat Ridge Code of Laws (the "Code") with respect to trash dumpsters.

NOW THEREFORE BE IT ORDAINED by the Wheat Ridge City Council as follows:

Section 1. Section 26-614 of the Code is amended to read:

Section 26-614. Trash storage area screening

A. Trash storage for all existing and new multi-unit dwellings, institutional buildings, all business and industrial buildings or uses and agriculturally-zoned properties shall be accommodated within the structure, or if located outside:

1. Shall be located or screened so as not to be visible from any public streets, and,
2. Shall be screened when located within one hundred (100) feet of any one-or two-family residential structure.

If screened by a fence or wall, a fence permit and site plan shall be required, and such screening shall be by a decorative wall or fence six (6) feet in height. Dumpsters and the required screening shall not be located within five (5) feet of combustible walls, openings, or combustible roof eave lines. The required screening shall be protected from damage by normal removal and replacement of the dumpster by a trash truck. Maintenance will be required if the screening is damaged and/or dilapidated, or in need of repair, and the area around the screening shall be kept free of junk and trash.

B. One- and two-family residential structures in residentially zoned areas are permitted to have one trash dumpster no larger than one and one-half (1.5) cubic yards in size and are subject to the following conditions:

1. Trash dumpsters may not be stored wholly or partially within any portion of the front setback of the lot and,

2. Any trash dumpster shall be screened from view so not to be visible from the public right-of-way or adjacent properties.

If a trash dumpster is screened by a fence or wall, a fence permit and site plan shall be required. Such screening shall be by a decorative wall or fence six (6) feet in height. Dumpsters and the required screening shall not be located within five (5) feet of combustible walls, openings, or combustible roof eave lines. The required screening shall be protected from damage by normal removal and replacement of the dumpster by a trash truck. Maintenance will be required if the screening is damaged and/or dilapidated or otherwise in need of repair. The area around the dumpster and screening shall be kept free of junk and trash.

C. Residential structures on agriculturally-zoned property shall be permitted to have one trash dumpster. The dumpsters on such lots may be larger than one and one-half (1.5) cubic yards in size and shall meet the requirements set forth in Section 26-614(A).

D. In no instance shall trash screening for any commercial, industrial multi-family, agricultural, or other residential property be permitted to become a sight, traffic, or safety obstruction for driveways or street corners. No such screening shall displace required parking spaces, or landscaping, unless reviewed and approved by the Director of Community Development as an administrative variance after considering all reasonable alternatives. An administrative variance, to the prior sentence only, shall follow the procedures set forth in section 26-115, but shall not be limited to the fifty (50) percent provisions thereof.

E. Temporary construction dumpsters and temporary storage containers may be allowed in all zone districts at active construction projects only, and must be located on private property. If impractical to locate on private property, a right-of-way permit may be obtained from the public works department pursuant to Article III of Chapter 21 of the Wheat Ridge Code of Laws. Temporary construction dumpsters and temporary storage containers shall not be located so as to create sight, traffic, or safety obstructions. Temporary construction dumpsters and temporary storage containers must be removed within fourteen (14) days of construction completion.

F. Screening is not required for dumpsters that are used by the community exclusively for the purpose of recycling. Dumpsters used for this purpose must be clearly labeled as recycling dumpsters.

Section 2. Safety Clause The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability If any clause, sentence, paragraph, or part of this Zoning Code or the application thereof to any person or circumstances shall for any reason be

adjusted by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

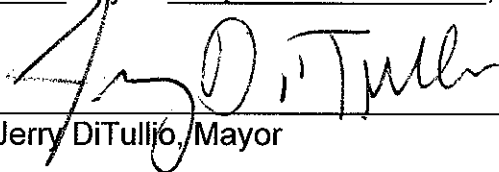
Section 4. Supersession Clause If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this Ordinance, the provisions, requirements and standards here shall supersede and prevail.

Section 5. This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 1 on this 14th day of September, 2009, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for Monday, September 28, 2009, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 28th day of September, 2009.

SIGNED by the Mayor on this 28th day of September, 2009.




Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to form by City Attorney



Gerald Dahl, City Attorney

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2nd publication: October 1, 2009

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