

ORDINANCE NO. 22-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, AMENDING SECTION 7-2-70 AND ARTICLE 1 OF CHAPTER 11 OF THE MUNICIPAL CODE OF CASTLE PINES TO CREATE A RIGHT-OF-WAY PERMIT ALLOWING TEMPORARY PLACEMENT OF DUMPSTERS AND STORAGE PODS IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the City of Castle Pines (the "City") wishes to create a right-of-way permit that would allow dumpsters and storage pods to be placed temporarily in the public right-of-way; and

WHEREAS, the City additionally wishes to clarify that it is not a public nuisance to place a dumpster or storage pod in the public right-of-way if placed in accordance with the right-of-way permit; and

WHEREAS, the City Council finds that these changes are necessary for the protection of health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

Section 1. Section 7-2-70 of the Castle Pines Municipal Code is hereby amended as follows with deletions shown in ~~strike through~~ and additions shown in underline text:

Sec. 7-2-70. -- Interference with Pedestrian or Vehicular Traffic.

(a) The City finds and declares that it is a nuisance and substantial danger to the preservation of public health and safety to dump or place trash, litter, construction materials, ~~dumpster, storage pods,~~ debris, landscape materials, snow, ice and other waste on public streets and sidewalks or other public property or to damage any street, alley, sidewalk, highway, public right-of-way, public park, recreation facility or other public property such that the items or damage interfere with pedestrian and vehicular traffic on public rights-of-way.

(b) This Section shall not apply to:

* * *

(4) A dumpster or storage pod, as defined in Section 11-1-30 of this Code, that is lawfully placed in the public right-of-way, if placed in accordance with a right-of-way permit.

Section 2. Article 1 of Chapter 11 of the Castle Pines Municipal Code is hereby amended with a new Section 11-1-30 entitled, "Dumpsters and Storage Pods Prohibited on Public Right-of-Ways" to read as follows:

Sec. 11-1-30. Dumpsters and Storage Pods Prohibited on Public Right-of-Ways.

(a) Definitions:

(1) *Dumpster* means any container exceeding a capacity of thirty (30) cubic yards designed or intended to be used for the storage or hauling of any trash, refuse garbage, yard debris, discarded construction materials, or other waste materials.

(2) *Storage Pod* means any container intended for the purpose of storing or keeping household goods or other personal property that it is intended to be filled, re-filled, or emptied while located outdoors on the property and then later removed from the property for off-site storage. A *storage pod* does not include a dumpster as defined in subsection (a)(1) of this Section.

(b) Prohibited on Public Right-of-Ways. It is a violation for any person or entity to place a dumpster or storage pod in the public right-of-way except where one (1) of the following circumstances is found to exist:

(1) The person or entity holds a valid permit issued by the City of Castle Pines, and the placement of the dumpster or storage pod complies with the conditions set forth in such permit, including payment of a permit fee. Such permit fee shall be set forth in the City's adopted fee schedule.

(2) The person or entity is an employee, official, or contractor of the City and is acting within the scope of the authority provided by the City.

(c) Authorization. The City Manager or designee is hereby authorized to impose conditions on any permit issued pursuant to this Section including without limitation payment of a bond, providing proof of insurance, and/or indemnification.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 4. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Municipal Code.

[Remainder of page left intentionally blank.]

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 22nd day of March, 2022.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of April, 2022.



ATTEST:

DocuSigned by:
Tracy Engerman
18352128604545A...
Tracy Engerman, Mayor

Approved as to form:

DocuSigned by:
Tobi Duffey
AD03A3B02032499...
Tobi Duffey, CMC, City Clerk

DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on March 22, 2022; published by title only in the Douglas County News-Press, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on April 26, 2022”; and finally passed and adopted by the City Council on April 26, 2022, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on March 23, 2022.

ATTEST:
DocuSigned by:
Tobi Duffey
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Tobi Duffey, CMC, City Clerk