



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: February 18, 2021

RE: Municipal Code Revisions

DISCUSSION:

This study session is to continue discussing the changes to the Municipal Code regarding outdoor storage of vehicles and outdoor storage of “junk, trash, garbage..”.

Below are the sections from the current Municipal code that deal with outdoor storage of vehicles and junk. The redline edits are changes suggested by Kathryn Sellars from Corey Hoffman’s office.

The Board suggested simplifying the definitions for junk, garbage and trash. While there is some overlap in the current definitions, Kathryn advised that most of their clients keep separate definitions for these terms. The real issue is how the terms are used. Kathryn suggested that we need to be cognizant of how the terms are used now and how a change in the definition or terminology may affect the regulation. She has offered some suggestions redlined below.

A public hearing will be scheduled when these revisions have been approved by the Board.

CODE Sec. 7-1-20. Nuisance defined.

Nuisance includes:

(7) The existence, without limitation, of any of the following conditions:

a. Outdoor storage.

1. No person shall be permitted to store items or materials in a public right-of-way.

2. The accumulation of junk, trash, ~~garbage~~, stale or odorous matter, including improperly maintained compost or manure piles that emit odor or similar materials that constitute a threat to the health or safety of any person, or that contribute to blight and land degradation, is prohibited.

3. Attractive nuisances generally considered dangerous to children, including abandoned, broken or neglected vehicles, equipment, machinery, refrigerators and freezers, hazardous pools or excavations related to construction sites.

4. The outdoor storage or accumulation of the following items on private property, other than in a fully enclosed structure or properly screened from ~~passing traffic view from the public right of way and neighboring properties and out of sight of contiguous property owners. Screening~~ ~~must be in compliance with all other sections of the Code,~~ is prohibited:

a) Tools, equipment, inventory and other supplies; ~~however, on properties with current, valid building permits, these items may be stored in small quantities of required supplies during the term of the building permit. utilized in the operation of a business whether such business is a home occupation being conducted in accordance with the zoning regulations contained in Chapter 16 of this Code, or is conducted off site.~~

~~c) Tools, equipment and other supplies utilized in construction or landscaping. However, homeowners who have a current, valid building permit are allowed to neatly store small quantities of required supplies during construction or remodeling.~~

b) The parking or storage of any unlicensed or inoperable vehicle. This Subparagraph is not meant to prohibit outside storage of bona fide collector's items when stored in compliance with Section 42-12-101, et seq., C.R.S., and other applicable ordinances.

c) The parking or storage of any passenger vehicle, other vehicle or other articles of personal property, not owned by the occupant of the property upon which it is parked, stored or used, for longer than a period of ten (10) days.

d) The unscreened parking or storage of more than a total of ten (10) vehicles ~~(Passenger or Other) with so long as no more than five (5) of the ten (10) vehicles are other vehicles. a maximum of five (5) of the ten (10) being other vehicles.~~ Any additional vehicles, beyond the ten (10) vehicle limit in this section must be parked in an enclosed structure or screened from view from the public right of way and neighboring properties. ~~in~~

~~addition to those allowed by this paragraph must be parked in an enclosed structure or screened from passing traffic and out of sight of contiguous property owners. Screening must be in compliance with all other sections of the Code.~~

e) The parking or storage of any Class 6-9 vehicle (weight exceeding 19,501 pounds).

7-1-10 Definitions:

Collector's item means a motor vehicle or implement of husbandry that is at least twenty-five (25) years old and is of historic or special interest. In order to be considered a collector's item, a motor vehicle must meet all criteria of a "collector's item" as defined in Section 42-12-101, et seq., C.R.S., in addition to all other applicable statutes and ordinances.

~~**Garbage means** and includes any vegetable or animal refuse, food or food product, matter from a kitchen, offal or carcass of a dead animal which, if deposited within the Town other than in a garbage receptacle, tends to create a danger to public health, safety and welfare or to impair the local environment. The use in this Section is not meant to prohibit properly maintained, odorless compost or manure piles.~~

Hazard to public health, safety and welfare shall include any activity so recognized by the laws and regulations of the United States, the State or the ordinances of the Town. Such hazards shall also include, but not be limited to, activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property, create loud or offensive sounds, cause drainage and runoff to occur in other than historical patterns or dead trees or vegetation that constitute such a hazard.

Implement of husbandry means every vehicle, farm tractor or machine that is designed, adapted or used for agricultural purposes.

Inoperable vehicle includes any vehicle that:

- a. Would be required to be licensed if operated on a public highway, but does not display current, valid license plates;
- b. Does not work, move or run;
- c. Is not functioning;
- d. Is not operable for the function for which it was designed; or
- e. Does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

Junk shall include any old, used or secondhand materials of any kind including, without limitation, cloth, rags, clothing, paper, rubbish, bottles; rubber, iron, tires, brass, copper or other metal; furniture; refrigerators, freezers, all other appliances; the parts of vehicles,

apparatuses and contrivances and parts thereof which are no longer in use; any used building materials, boards or other lumber, cement blocks, bricks or other second hand building materials; or any discarded machinery, vehicles or any other article or thing commonly known and classified as junk.

~~**Litter means** the scattering or dropping of rubbish, trash or other matter, organic or mineral.~~

Other Vehicles means class 4-5 (14,000-19,500 pounds) and Recreational Vehicle classes A,B and C. Other vehicles also include trailers (with or without vehicles on them), ATVs, jet skis and boats.

Trash means that which is worthless or useless and includes but is not limited to any and every refuse, rubbish, garbage, debris, waste material, paper, cartons, bottles, boxes, crates, barrels, plastic object, wooden object: wood (except stacked firewood and stacked construction materials), wood or upholstered furniture or bedding; rubber, metals, tin or aluminum cans, metal furniture; chemical compound, petroleum product or compound, paint; automobile part or accessory, tire, wheel; food or food product; solvent, dye, beverage; offal composed of animal matter or vegetable matter or both; dirt, rock, pieces of concrete, bricks, glass, crockery or other minerals or mineral wastes; ~~junk~~; or any noxious or offensive matter whatsoever. However, such does not include earth and waste from building construction during the period in which a valid building permit issued by the Town is applicable.

Passenger Vehicle means Class 1-3 (weighing ~~ing~~ under 14,000 pounds). Including, but ~~is~~ not limited to: automobiles and, ~~four wheel drive passenger vehicles, pick up trucks, passenger vans, motorcycles or SUVs.~~

7-1-20(7)(f)

Streets, streams and water supply. No person shall throw or deposit or cause or permit to be thrown or deposited ~~any offal composed of animal or vegetable substance or both, any dead animal, excrement, garbage trash, junk~~ or other offensive matter upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw or deposit or cause or permit to be thrown or deposited ~~in the Town anything specified in any foregoing part of this Section, trash, junk~~ or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created or so near any such place as to be liable to pollute the water

EXHIBIT:

Exhibit A: Vehicle descriptions with examples of vehicle weights

VEHICLE WEIGHTS

EVER WONDER WHAT EACH CLASS OF TRUCK LOOKS LIKE?

US TOO. WE CREATED THIS HANDY INFOGRAPHIC FOR YOU TO USE!

**CLASS 1-3
NON-COMMERCIAL VEHICLES**

No concern of ours
Anyone can drive a minivan or a station wagon
Famous representation: Lightning McQueen



IF YOUR SHOP HANDLES ANY CLASSES, CHECK OUT FULLBAY AND SEE WHAT WE CAN DO FOR YOU!

**CLASS 4
BETWEEN 14,000-16,000 POUNDS**

You can drive these yourself, but be careful
Box trucks and some delivery trucks
Famous representation: The COSTCO food delivery truck



**CLASS 6
BETWEEN 19,501-26,000 POUNDS**

Beverage trucks, rack trucks, and school buses
You need a CDL for this type of vehicle
Famous representation: The Magic School Bus



**CLASS 5
BETWEEN 16,001-19,500 POUNDS**

Lots of farming equipment
Bucket trucks, cherry pickers
Famous representation: Your local electrical company probably probably has a fleet of bucket trucks



**CLASS 7
BETWEEN 26,001-33,000 POUNDS**

Working trucks you see on a daily basis
Street sweepers, garbage trucks, and city transit buses
Famous representation: GDM-5303 (a.k.a. that bus from Speed)



**CLASS 8
OVER 33,001 POUNDS**

Heavy isn't enough of an adjective - these trucks are called severe-duty
Most big rigs, along with cement trucks and dump trucks
Famous representation: Optimus Prime



**CLASS 9
FOR VEHICLES THAT DEFY CLASSIFICATION**
"The Great Beyond"

A big 18-wheeler can weigh up to 80,000 pounds
Might need to obtain special permits and stick to specific routes
Famous representation: Unicorn



Heavy duty repair shop software

[FULLBAY.COM](https://fullbay.com)

Class 1	Light truck	0–6,000 pounds (0–2,722 kg)	Chevrolet Colorado/GMC Canyon , Ford Ranger , Nissan Navara , Jeep Gladiator , Toyota Tacoma , Honda Ridgeline FWD ^[8]
Class 2a	Light truck	6,001–8,500 pounds (2,722–3,856 kg)	Chevrolet Silverado/GMC Sierra 1500 , Ford F-150 , Nissan Titan , Ram 1500 , Toyota Tundra , Dodge Dakota , Honda Ridgeline AWD ^{[8][9][10]}
Class 2b	Light/Medium truck	8,501–10,000 pounds (3,856–4,536 kg)	Chevrolet Silverado/GMC Sierra 2500 , Ford F-250 , Nissan Titan XD , Ram 2500 ^{[8][9][10]}
Class 3	Medium truck	10,001–14,000 pounds (4,536–6,350 kg)	Isuzu NPR , ^[11] Chevrolet Silverado/GMC Sierra 3500 , Ford F-350 , Ram 3500 , Ford F-450 (pickup only)
Class 4	Medium truck	14,001–16,000 pounds (6,351–7,257 kg)	Isuzu NPR-HD , ^[11] Chevrolet Silverado 4500 , Ford F-450 (chassis cab), Ram 4500 ^[8]
Class 5	Medium truck	16,001–19,500 pounds (7,258–8,845 kg)	Isuzu NRR , ^[11] Chevrolet Silverado 5500 , Ford F-550 , Ram 5500 , Kenworth T170 , Peterbilt 325 , International TerraStar ^[12]
Class 6	Medium truck	19,501–26,000 pounds (8,846–11,793 kg)	Chevrolet Kodiak C6500 , Ford F-650 , Kenworth T270 , Peterbilt 330 , International Durastar ^[13]
Class 7	Heavy truck	26,001–33,000	Autocar ACMD, GMC C7500 , Kenworth T470 & T440 & T370 , Peterbilt 220 & 337 , Ford F-750 ^[14]

		pounds (11,794– 14,969 kg)	
Class 8	Heavy truck	33,001 pounds (14,969 kg) +	Autocar ACX , Autocar DC , International WorkStar , Freightliner Cascadia , Kenworth T600 , Kenworth T660 , Kenworth T680 , Kenworth W900, Kenworth W990, Kenworth T880, Kenworth T800 Orange EV T-Series Electric, Mack Granite , Peterbilt 579, Peterbilt 389 ^[15] - Semi-trailer trucks fall into this category