

ORDINANCE NO. 2011-_____

AN ORDINANCE CREATING CHAPTER 17.06 “WASTE CONTAINER ENCLOSURES” OF TITLE 17 “ZONING.”

WHEREAS: the City Council is authorized by law to enact ordinances for the protection of the health, safety and welfare; and

WHEREAS: the City Council finds that waste containers create a negative visual impact on surrounding properties; and

WHEREAS: the City Council finds that it is necessary to establish location and design standards for waste container enclosures associated with multi-family residential, commercial business and industrial uses; and

WHEREAS: the City Council finds that it is necessary to establish design standards to ensure that waste container enclosures are architecturally compatible with the principle and adjacent buildings and uses; and

WHEREAS: the City Council finds that it is necessary to set minimum construction standards to ensure that waste container enclosures are functional and durable; and

WHEREAS: The City Council has received a positive recommendation from the South Salt Lake Planning Commission;

THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake that Chapter 17.06 titled “Waste Container Enclosures” of Title 17 “Zoning” be adopted as follows:

17.06.140 Waste Container Enclosures

A. Purpose. The purpose of this section is to establish location and design criteria for waste container enclosures associated with multifamily residential, commercial business and industrial uses. To regulate the construction of waste container enclosures, to protect the public health, safety and welfare and mitigate the negative visual impacts of waste containers. To ensure that waste container enclosures are functional, durable, and architecturally compatible with principle and adjacent buildings and uses.

B. Enclosures required.

1. Waste container enclosures are required to be constructed in association with all new commercial business, industrial and multi-family residential development of three units or greater in the city. All waste container enclosures shall be constructed according to requirements of this chapter and requirements contained in “Design Standards for Waste Container Enclosures” as adopted by the city.

2. Waste container enclosures are only required to be constructed for existing commercial business and industrial uses when the container becomes a nuisance. When feasible, waste containers shall be located where not visible from the public right-of-way and shall be located behind a building or other fenced and screened area. City officials may require the relocation of the waste container or other means necessary to remedy the nuisance created from the waste container on the subject property as an alternative to requiring an enclosure to be constructed. City officials may also require a second dumpster to be located on the property but the second dumpster shall not be located where visible from the public right-of-way. A nuisance exists when any of the following occur:

a. Garbage, junk, solid waste, debris or refuse are piled or stacked next to or outside the container on a regular basis and which can be seen from the public right-of-way;

b. The container is regularly overfilled to the point that garbage or refuse from the waste container litters the property on which the container is located or litters that of adjoining properties;

c. Garbage, junk, solid waste, debris or refuse are regularly not contained within the waste container and litter the property on which the waste container is located or litters that of adjoining properties;

d. The container has been damaged or dilapidated to the extent that it has become unsightly, or the property owner has allowed graffiti defacement of the container to remain on the container for more than seven days after the vandalism occurs, and this has occurred at least two times previously.

3. Existing multi-family residential uses shall be required to locate waste containers to the rear yard area of each residential property where they shall not be seen from a public right-of-way. Where a multi-family use is located on a corner lot the waste container shall not be seen from either public right-of-way. Where these requirements are not feasible, property owners shall be required to construct a waste container enclosure within the time frame outlined in section K. All waste container enclosures shall be constructed according to requirements of this chapter and requirements contained in “Design Standards for Waste Container Enclosures”. Where site and access restrictions limit the location of containers in the rear yard then the property owner may follow the waiver requirements of section I.

4. All waste container enclosures shall be constructed according to requirements of this chapter and requirements contained in “Design Standards for Waste Container Enclosures”. A permit is required for the construction of all waste container enclosures. An application shall be provided by and submitted to the Community Development Department

for review. Applications shall be accompanied by the documents and information required by the city to assure compliance with this chapter and all other ordinances, laws and regulations.

5. Construction of an enclosure is not required if a waste container enclosure already exists, regardless of design and type. All new and existing enclosures must follow the maintenance requirements as found in section J. It is prohibited to allow garbage or refuse to be placed outside of waste containers or enclosures. The waste container enclosure must be enclosed on all sides.

6. Where multiple waste containers are located on a single parcel each container shall be enclosed separately or one enclosure constructed where all containers can be removed independently of each other.

B. Height. The height of each enclosure shall be twelve (12) inches higher than the highest part of the waste container. In no case can the waste container enclosure be less than six (6) feet in height, including gates.

C. Materials and construction methods

1. Materials associated with new construction. Waste container enclosures as a part of new construction shall have walls constructed of finished masonry units (block or brick), decorative pre-cast concrete walls, metal or a combination of these materials. The materials and colors used for all enclosures shall be compatible with those of the principle and adjacent buildings and shall be approved by the Community Development Department. Examples of permitted and prohibited enclosure walls are contained in "Design Standards for Waste Container Enclosures."

(a) Masonry and brick walls. All exterior faces of walls shall be constructed of finished block, brick or split-faced blocks installed according to industry standards. All masonry walls shall have a permanent block or pre-cast end cap to prevent deterioration from climate exposure.

(b) Concrete walls. Pre-cast or poured concrete walls shall have decorative textured finish of a quality acceptable to the Community Development Department. Pre-cast walls shall be installed according to industry standards.

(c) Metal Enclosures. Exterior walls of the enclosure shall be constructed of minimum sixteen (16) gauge metal cladding. Attachments of cladding to structural frame shall not exceed thirty-two inches (32") center-to-center in either direction. All structural posts, and their foundations, shall be adequately sized to support the walls and gates and shall be spaced at a maximum of six (6') feet center-to-center. Structural frame members shall have a minimum steel thickness of three-sixteenths of an inch (3/16") and consists of structural tubing, angle iron, or other frame material approved by the Community Development Director. Corrugated roofing or other metal roofing materials are prohibited.

2. Materials Associated with Existing Development. Enclosure walls for existing construction shall be constructed of finished masonry units (block or brick), decorative pre-cast concrete, metal, vinyl, chain link or a combination of these materials. The materials and colors used for all enclosures shall be compatible with those of the principle and adjacent buildings and shall be approved by the Community Development Department. Examples of permitted and prohibited enclosure walls are contained in "Design Standards for Waste Container Enclosures."

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(b) Concrete walls. Pre-cast or poured concrete walls shall have decorative textured finish of a quality acceptable to the Community Development Department. Pre-cast walls shall be installed according to industry standards.

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(d) Vinyl Enclosures. Vinyl enclosure walls shall be constructed of commercial grade durable vinyl. All posts shall be constructed of a schedule forty (40) pipe. Terminal posts shall have a minimum diameter of four inches (4") and covered in vinyl and set a maximum six feet (6') on center. Posts shall be embedded and installed in foundations that are adequately sized to support fencing and gates with consideration for applicable wind loads as per the requirements found in "Design Standards for Waste Container Enclosures". The walls shall be tongue and groove construction with no gaps.

(e) Chain Link. All chain link enclosures shall use pre-installed privacy slat screening with a three and one half inch by five inch (3 1/2" x 5") chain link diamond. All chain link shall have a Polyvinyl Chloride (PVC) coating. All posts and top rails shall be constructed of a schedule forty (40) pipe. All posts and rails shall be powdered coated with a color similar to the PVC chain link fencing and pre-installed privacy slating. Terminal posts shall have a minimum diameter of four inches (4"). Where the chain link span is greater than ten (10') feet one and seven-eighths inch (1 7/8") intermediate posts shall be used. Posts shall be embedded and installed in foundations that are adequately sized to support fencing and gates with consideration for applicable wind loads as per the requirements found in "Design Standards for Waste Container Enclosures".

D. Gates. All enclosures shall have service access gates and their construction shall be of sturdy metal frame. Posts shall be embedded on the outside of the enclosure to limit damage when the waste container is removed from the enclosure. The gates shall be constructed with commercial grade hinges, poles and hasps. Enclosures with gates that swing out from the dumpster shall be set back from the property line at least a distance equal to the width of the gate. Vinyl gates shall have a metal frame and have attached wheels to prevent sagging. Enclosure gates shall be closed at all times except for the time necessary to service the containers. Examples of permitted and prohibited enclosure gates are contained in "Design Standards for Waste Container Enclosures."

E. Pads. All enclosures and waste containers shall be placed on poured concrete or any existing hardened paving system. New pads shall have a minimum of four (4) inches of concrete. All pads shall have a maximum two percent grade for water to be disposed from the enclosure. When an enclosure is constructed as part of new construction there shall be a minimum ten foot apron with a minimum twelve (12) inch thickened edge.

F. Bollards and Wheel Stops. The corners of the enclosure where the gate hinges are attached shall be protected with colored bollards to prevent vehicles from driving into the enclosure. Each enclosure shall have bollard or pre-cast concrete curb wheel stops attached to the slab to keep the waste container from hitting the back of the enclosure.

G. Refuse enclosure location standards. All refuse bins and enclosures shall be located on major drives within developments to provide adequate circulation of refuse collection vehicles. Enclosures shall be located so that refuse collection vehicles can pull in front of the enclosure, empty and reset the container without physically removing the bin from the enclosure.

H. The preferred location for waste container enclosures is at the rear of the buildings, in the service area or at a spot least visible to the general public. However, enclosures may be located within or immediately adjacent to parking areas. Containers and enclosures may be located within a landscaped area only if there is not a viable alternate location for the enclosure. Applicants shall be permitted to reduce the required landscaped areas in cases of hardship and if shown necessary to provide space for the waste storage container and enclosure. Only in cases of hardship, and by a waiver from the Community Development Director or his/her designee, can waste containers be allowed in the front, corner side, or side yard areas.

I. Waiver. Upon Application by the property owner or manager, the Community Development Director or his/her designee shall determine if a hardship exists and grant a waiver in locating waste container enclosures, or complying with other provisions of this Chapter. The director shall determine a reasonable solution to the hardship, and shall not be limited to the solutions detailed in this section. Hardship is defined as conditions and circumstances existing, which are peculiar to the property, structure or building involved. To be a hardship it must be shown that a situation exists on the property that does not exist with other properties, developments or buildings and that the unusual configuration of public roads, driveways or other public or private conveyances, buildings or geologic features is causing the hardship. A hardship cannot be purely economic in nature or be a result of intentional actions of the applicant or any other person who may have or had interest in the property. A hardship is not caused by the strict adherence to the regulation for the property. A mere inconvenience is not a hardship. The Community Development Director may issue the waiver for hardship after reviewing the following provided by the property owner or his/her agent. A site plan showing the lot size, location of all buildings, width and length of all public and private roads, landscaped areas, the number and location of all off-street parking stalls, drive approaches and the location of the proposed waste container enclosure.

1. If the Community Development Director grants the waiver for hardship, the director may require the applicant to observe certain conditions of approval such as providing additional on-site landscaping, or a specific placement or orientation of the enclosure on the site may be required. The action of the director shall be based upon consideration of the following factors:

- (a). Impact on abutting properties;
- (b). Whether the applicant's proposal adequately serves the goals and intent of this section and the South Salt Lake General Plan; and
- (c). Site limitations relating to size, dimension, parking and landscaping.

2. A hardship waiver is no longer valid if the property owner subsequently alters or removes the feature which necessitated the hardship waiver, such as increasing the lot size or replacing existing structures.

J. Maintenance. Enclosures shall be maintained in good condition and appearance at all times. Screening materials shall be replaced when found to be in disrepair. Gates and latches shall remain in place and shall be kept fully operable and shall be closed except during scheduled collection periods. Enclosure pads and access drives shall be repaired or rebuilt whenever the pavement structure deteriorates. Graffiti shall be removed within seven days

K. Compliance. As described in 17.06.140B all development and uses without existing waste container enclosures, prior to the enactment of this ordinance shall install waste container enclosures according to the standards of this chapter and those contained in “Design Standards for Waste Container Enclosures” within six (6) months of the approval of this ordinance.

L. Appeal. Appeal of decisions must be made to the Administrative Law Judge as set forth in Sec. 2.22 of the South Salt Lake City Municipal Code. The Administrative Law Judge may only consider whether a relocation or enclosure requirement is a hardship in the context of an appeal from a hardship application. Hardship is not a defense for a property owner who is cited or summoned to the Administrative Court for failing to comply with this section, unless the property owner presents evidence that the hardship waiver was granted by the Community Development Director.

This ordinance will take effect upon execution by the Mayor or after fifteen days from transmission to the office of Mayor if neither approved nor disapproved by the Mayor.

(signatures appear on separate page)

DATED this _____ day of _____, 2011.

BY THE CITY COUNCIL:

Casey R. Fitts, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Fitts	_____
Gold	_____
Turner	_____
Marshall	_____
Rutter	_____
Jones	_____
Weaver	_____

Transmitted to the Mayor's office on this _____ day of _____, 2011.

Recorder

Craig D. Burton, City

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2011.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder