

**ORDINANCE NO. 7
SERIES 2025**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
REPEALING AND REPLACING CHAPTER 13, ARTICLE 5 OF THE
CRESTED BUTTE MUNICIPAL CODE.**

WHEREAS, the Town of Crested Butte, Colorado ("the Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, the Town Council has determined that implementation of Save As You Throw pricing for refuse removal helps to incentivize waste reduction practices and furthers greenhouse gas emissions goals; and

WHEREAS, Town Council finds it is necessary and proper to repeal and replace Chapter 13, Article 5 of the Crested Butte Municipal Code as provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE COLORADO:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 13, Article 5 of the Crested Butte Municipal Code is hereby repealed and replaced as provided for on the attached **Exhibit A**.

Section 3. Following adoption and noticing of this ordinance the effective date for solid waste will be for services billed on October 31, 2025


Section 4. Upon the effective date of this ordinance, the codifier is hereby authorized to renumber the Code in conformance with these amendments.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 5TH DAY OF AUGUST 2025.


ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 18th DAY OF August 2025.

TOWN OF CRESTED BUTTE, COLORADO

ATTEST:



Lynelle Stanford, Town Clerk

By: 

Ian Billick, Mayor

ARTICLE 5 Refuse and Sanitation System

Sec. 13-5-10. Definitions.

For the purposes of this Article, the following terms shall have the meanings given in this Section:

Residential property means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For purposes of this Article, a residential property may consist of a single or multiple building property containing no more than seven dwelling units. Further, a residential property may be part of a building with both residential and commercial uses.

Recyclable materials means those materials including but not limited to metals, glass, plastic, wood, and paper that are intended for remanufacturing or reconstitution identified by the Town or their contractor, which may be collected and conveyed by the Town or its contractors, and which are identified as *recyclable materials* and placed in designated recycling bins.

Refuse means all putrescible and nonputrescible domestic wastes, including, among other things, trash, garbage, rubbish, and solid wastes; provided, however, that *refuse* shall not include human body wastes, medical wastes, dead animals, highly inflammable or explosive materials or ashes.

Sec. 13-5-20. Compulsory refuse collection;

- (a) Every owner or occupant of a premises within the Town shall provide for the collection and disposal of refuse in accordance with the regulations of this Article.
- (b) The Town's system of refuse collection and disposal for residential users shall consist of weekly pickup and disposal of all refuse properly deposited into the system in accordance with the regulations adopted pursuant to this Article.
- (c) The Town's system of recyclable materials collection and disposal for residential users shall consist of bi-weekly pickup and disposal of all recyclable materials properly deposited into the system in accordance with the regulations adopted pursuant to this Article.
- (d) Owners or occupants of premises within the Town that are not defined as residential properties per this Article shall arrange privately for routine removal of refuse and recyclable materials.
- (e) The Town shall have the authority to choose the proper pick-up location and type of refuse container for residential properties, be it an individual container or dumpster.
- (f) All refuse accumulated at or generated by the occupants of any residential property within the Town shall be collected, conveyed and disposed of by the Town or its contractors. No other person shall collect, convey over any of the streets or alleys of the Town or dispose of any refuse accumulated at or generated by the occupants of any dwelling; provided, however, that this Article shall not prohibit the actual producer of refuse, or the owner or occupant of a dwelling at which refuse has accumulated, from personally collecting, conveying and disposing of bulky refuse of a type not normally collected by the Town or its contractors. All commercial users must dispose of refuse and recyclable materials generated by such use.

Sec. 13-5-30. Opt-out requirements

- (a) The occupants of any residential property that meets any of the following qualifications may opt out of the Town's compulsory refuse and recycling collection requirements described in Subsection (a) above when:
 - (1) A single building consists of both residential and commercial uses and the entire building is owned by one (1) owner; or

- (2) A single or multiple building property consists of both residential and commercial uses owned by different owners within the same property in which the common elements, as such term is defined under the Colorado Common Interest Ownership Act, Section 38-33.3-101, et seq., C.R.S. (CCIOA), are owned and managed by a homeowners' or unit owners' association; or
 - (3) Four (4) or more dwelling units within the same building are owned by the same owner; or
 - (4) Four (4) or more dwelling units are owned by different owners within a single or multiple building property in which the common elements, as such term is defined under the CCIOA, are owned and managed by a homeowners' or unit owners' association.
- (b) For any of the four (4) exemptions described in Subsection (a) above, the owner or association must elect to opt out of the Town's compulsory refuse and recycling collection requirements in writing to the Town Manager on forms provided by the Town. Such election shall adequately describe the property subject to the election and how the property will be served for refuse removal.
- (1) The exemption shall become effective the next succeeding calendar month when the election is received by the Town Manager before the first day of the preceding calendar month. Any election given after the first day of the calendar month shall become effective in the calendar month immediately following the succeeding calendar month.
- (d) The election by the owner or association will remain in effect until the owner or association otherwise notifies the Town Manager in writing, which shall be given before the tenth day of the preceding calendar month to be effective in the next succeeding calendar month. Any notice given after the tenth day of the calendar month shall become effective in the calendar month immediately following the succeeding calendar month.
- (e) Any property owner or association that has elected out of or is not subject to the Town's compulsory refuse and recycling collection requirements as described herein must obtain adequate refuse collection service to comply with this Chapter.

Sec. 13-5-40. Refuse containers and precollection practices.

- (a) All residential properties within the Town shall select at least one (1) of the refuse container sizes set forth by the Town Council in the fee schedule.
- (b) No refuse container shall be placed in the right-of-way for curbside pickup other than between the hours of 6:00 a.m. and 8:00 p.m. of the day for scheduled collection. After pickup, all refuse containers must be removed from the right-of-way.
- (c) Refuse and recycling from residential users shall be deposited either in a lidded refuse container or lidded dumpster in serviceable condition. Refuse containers shall have a capacity of 32-, 64-, or 96-gallons.
- (d) An individual residential user who is served by refuse containers may select their container size annually in September, which size shall not be changed other than on change of account responsibility. The adjustments to container size shall become effective the next succeeding calendar month when the election is received by the Town or their contractor before the tenth day of the preceding calendar month. Any election due to a change of account responsibility given after the tenth day of the calendar month shall become effective in the calendar month immediately following the succeeding calendar month.
- (e) All refuse containers and dumpsters shall be placed for municipal collection at ground level on the premises of the owner of said container, not more than ten (10) feet and accessible from the street or alley from which collection is made, and accessible by the automated collection truck. Refuse containers and dumpsters shall be deemed inaccessible, as required by this subsection, unless a path through accumulated snow has been made from the street or alley to the refuse container or dumpster. All refuse, before being placed in a container, shall be:
 - (1) Drained of all free liquids; and

- (2) Wrapped in plastic bags, paper or other similar material to prevent contamination of the container.
- (f) For the protection of wildlife, all refuse containers must be managed in accordance with Sec 7-5-320, 7-5-330, and 7-5-340. Use of wildlife resistant refuse containers is strongly encouraged. Any wildlife resistant container not provided by the Town or their contractor must be unlocked by 7:00 a.m. on pickup day by the customer.
- (g) Containers for co-mingled recyclable materials are provided by the Town or their contractor. These may be placed for bi-weekly collection under the same requirements as refuse containers.
- (h) Replacement refuse or recyclable material containers can be provided upon request or as required due to damage or deteriorated condition. A replacement fee will be charged to the customer.
- (c) Tree trimmings, hedge clippings and other bulky materials need not be placed in containers for collection but shall be cut in lengths not to exceed four (4) feet and shall be securely tied in bundles not more than two (2) feet thick before being deposited for collection.

Sec. 13-5-40. Compulsory refuse and recycling collection fee.

- (a) The owner of every residential property, not exempt under Section 13-5-30, within the Town shall pay to the Town each month the amount of fee established by the Town Council. That fee is set forth in the fee schedule.
- (b) All service charges shall be paid monthly on or before the 20th of the month at the office of the Town. In the event of default or tardiness in any payment required by this Article, there shall be added a delinquency charge, plus the reasonable costs of collection, including attorney's fees. Service charges shall be charged against the property owner commencing upon the issuance of a certificate of occupancy or at the time of actual occupancy, whichever occurs first. Any delinquent payment shall constitute a lien against the property served and shall be collectible in the manner of delinquent taxes.

Sec. 13-5-50. Limitation on quantity collected.

- (a) The refuse collection program entitles the owner or occupant of each residential property within Town to have the Town or its contractors collect, once each week (bi-weekly for recyclable materials), the volume of refuse or recyclable materials that can be contained in the household's selected refuse container and provided recycling container, respectively.
- (b) The owner or occupant may contact the contractor directly if they have additional refuse to be collected. The fee for this service is that set forth in the fee schedule adopted by the Town Council.

Sec. 13-5-60. Waste receptacles on public property.

It is unlawful for any person or business entity to place a waste receptacle of any size on public property except as follows:

- (1) Receptacles placed by, at the direction of or with the written consent of the Town; and
- (2) Receptacles temporarily placed for residential collection, as set forth in Section 13-5-40 above.

Sec. 13-5-70. Violation; penalty.

Any person who violates the provisions of this Article shall be fined in accordance with the provisions of Section 1-4-20 of this Code.