

Introduced by:

**TOWN OF PAONIA, COLORADO  
ORDINANCE NO. 2025-04**

**AN EMERGENCY ORDINANCE OF THE TOWN OF PAONIA,  
COLORADO REVISING CHAPTER 13 (MUNICIPAL UTILITIES)  
ARTICLE 6 (GARBAGE COLLECTION) AND DECLARING AN  
EMERGENCY**

**WHEREAS**, the Town of Paonia, Colorado (the “Town”) is a statutory municipality organized pursuant to Colorado Revised Statutes (C.R.S.) §31-1-203; and

**WHEREAS**, C.R.S. §31-15-302 establishes General Financial Powers for statutory municipalities, and

**WHEREAS**, the Town has the power to pass this emergency ordinance effective immediately pursuant to C.R.S. § 31-16-105; and

**WHEREAS**, Chapter 13 of the Town of Paonia’s Municipal Code (the “Code”) sets forth the Town’s policies for regulating Municipal Utilities; and

**WHEREAS**, Article 6 of Chapter 13 of the Code sets forth the Town’s policies for Garbage Collection; and

**WHEREAS**, the Town Board of Trustees (“The Board”) for the Town of Paonia, Colorado, has reviewed all previous ordinances and procedures for the collection of garbage within the Town; and

**WHEREAS**, the Board has noticed unplanned and unbudgeted increases in the operations of garbage collection and disposal and landfills owned and operated by the Delta County Board of County Commissioners; and

**WHEREAS**, the Board has reviewed the finances of the Garbage Collection fund and found that it is operating at a net loss over several months, due to unexpected increases in costs for operations; and

**WHEREAS**, the Board believes and concludes that regulations, procedures and charges for the collection of garbage need emergency and further revision and clarification; and

**WHEREAS**, the rates levied for garbage services must be calculated to meet the cost of providing this service, avoid a deficit operating position, and to meet its related financial obligations as well as for capital reinvestment and maintenance costs; and

**WHEREAS**, the Board of Trustees finds that:

1. Protection of the health, safety, and welfare of the residents of Paonia is a basic and valid responsibility of local government.
2. These amendments to the Paonia Municipal Code do not discriminate against any individual or group of people and such restrictions allow for reasonable accommodation for all individuals as may be required by Federal and State law.
3. The enactment of this Ordinance is necessary to accomplish the goals set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, THAT THE AMENDMENTS TO THE TOWN OF PAONIA MUNICIPAL CODE ARE HEREBY APPROVED AND ADOPTED.**

**Section 1.** The foregoing recitals are incorporated by reference as findings and determinations of the Board of Trustees.

**Section 2.** Revisions to Chapter 13, Article 6 of the Paonia Municipal Code to add or ~~remove~~ the following:

**§13-6-10 Definitions.**

For purpose of this Article, the following words shall be defined as follows:

*Business* shall mean any activity or enterprise entered into for profit that is occupying a room or rooms within the Town.

*Dwelling Unit* has the same definition as found in §16-1-100, and means one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis.

*Garbage* shall mean useless material discarded by a resident or business located within the Town.

*Home business* shall mean a business situated in the primary resident of the owners of the business, and that has complied with all applicable provisions of the Paonia Municipal Code related to home occupations, including but not limited to §16-11-20 Home Occupations, and §16-1-100 Definitions.

~~*Household unit* shall mean a room or suite of rooms which is designed for, or occupied by one (1) family doing its cooking therein.~~

**§13-6-30 Charges.**

(a) All garbage rates, charges, and charges for oversize garbage shall be established from time to time by Resolution of the Board of Trustees.

(b) Garbage shall be placed in either:

~~(1) A Town-approved dumpster resting on a permanent, level, hard surface of reinforced concrete or asphalt or similar material, constructed six (6) inches beyond the dimensions of the dumpster. Such pad must be of adequate size and construction to support a filled dumpster so that it can easily be accessed by the Town's garbage equipment. The construction of the pad will be at the expense of the person or entity requesting garbage service; or~~

~~(2) Containers of not more than thirty-three-gallon (33-gallon) capacity. The combined weight on contents and container shall not exceed one hundred (100) pounds. The container shall be a watertight receptacle of a solid and durable grade of metal or fire-resistant plastic and shall be provided with a suitable handle or handles on the outside thereof, as well as a tightly fitting cover equipped with a handle. Hot coals and furnace clinkers must be cooled to ambient temperature before being placed in the container. Garbage deemed hazardous by state or federal law shall not be placed for collection.~~

(c) Oversize garbage that will not fit in an approved container can be placed beside the container for collection. Its size will be judged by the garbage collectors in thirty-three-gallon (33-gallon) container equivalents and will be considered as part of the category limit for the user. The Town may, at its discretion, apply an extra charge for each oversize item using the following formula:

~~(1) Oversize items that can be handled easily by one (1) man will be charged five dollars (\$5.00).~~

~~(2) Oversize items that can be handled easily by two (2) men will be charged seven dollars (\$7.00).~~

~~(3) Oversize items that can be handled by three (3) men will be charged ten dollars (\$10.00).~~

Any person desiring to place tree trimmings or hedge cuttings for collection shall tie them in bundles not heavier than seventy-five (75) pounds in weight nor more than five (5) feet in length and eighteen (18) inches in diameter and then place said bundles for collection the same manner and at times provided for collection of garbage. Tires of automobile size or larger will no longer be collected. The Town reserves the right to reject any garbage based on size, weight or hazardous content.

(d) Any person desiring to place garbage for collection shall, if an alley is accessible, place the container or containers in the alleyway adjacent to his or her residence. If an alley is not accessible the container or containers shall be placed on or near the curb line in front of the person's residence. In each case, the container or containers shall be placed in such a manner as being accessible to the collectors not later than 8:00 a.m. or those days designated by the Town for collection of

~~garbage in the districts in which the residence is located. Where an alleyway is not available, the resident shall remove the empty container or containers from the curb line after the garbage has been collected. No person shall leave any such container, empty or otherwise, on the curb line between the hours of 8:00 p.m. and 6:00 a.m.~~

~~(e) It shall be at the option of the Town to determine each of the following:~~

~~(1) The frequency of collection;~~

~~(2) What constitutes an approved container; and~~

~~(3) When a commercial user should purchase and use a dumpster or dumpsters.~~

~~(f) Nothing herein shall be construed to relieve any contractor of the obligation of cleaning up premises after completion of his or her contract. Construction dumpsters cannot be placed on streets or alleyways without prior approval from the Public Works Director.~~

~~(g) A fine of not more than one thousand dollars (\$1,000.00) for each offense may be levied against a person or business establishment using garbage containers or dumpsters that they have not themselves contracted for, if they are not registered for and subject to the appropriate fees, if they are not residents of the Town or for any other violation hereof. Any person, agent, corporation or firm violating any section of this Article shall be deemed guilty of a petty offense and subject to the stated fine. Each day of such violation shall constitute a separate offense.~~

(b) Each household dwelling unit and each business shall be required to pay garbage charges. However, a home business shall not be double-billed as both a business and a household dwelling unit. Home businesses which generate excessive garbage, as determined by the Town, may be required to use a dumpster.

### **§13-6-60 Containers and Collection**

(a) Garbage shall be placed in either of the following:

(1) A Town-approved dumpster resting on a permanent, level, hard surface of reinforced concrete, asphalt or similar material constructed six (6) inches beyond the dimensions of the dumpster. Such pad must be of adequate size and construction to support a filled dumpster so that it can easily be accessed by the Town's garbage equipment. The construction of the pad will be at the expense of the person or entity requesting garbage service; or

(2) Containers of not more than thirty-three-gallon (33-gallon) capacity. The combined weight of the contents of the container shall not exceed one hundred (100) pounds. The container shall be a watertight receptacle of a solid and durable grade metal or fire-resistant plastic and shall be provided with a suitable handle or handles on the outside thereof, as well as a tightly fitting

cover equipped with a handle. Hot coals and furnace clinkers must be cooled to ambient temperatures and contained within a closed or sealed bag before being placed in the container. Garbage deemed hazardous by state or federal law shall not be placed in containers for collection, nothing within this section guarantees a right to use a customer owned or provided container should the Town provide containers for collections; or

(3) Within a container provided by the Town corresponding to the levels of service that a customer has elected to receive.

(b) It is the option of the Town to determine each of the following as may be set by Resolution from time to time:

(1) The frequency of garbage collection;

(2) What constitutes an approved container;

(3) When a commercial user should purchase and use a dumpster; and

(4) What is deemed hazardous materials and ineligible to place within containers.

#### **§13-6-70 Oversize garbage, tree trimmings, yard waste, and tires.**

(a) Oversize garbage that will not fit in an approved container can be placed beside the containers for collection. Its size will be judged by the garbage collectors in thirty-three-gallon (33-gallon) container equivalents and will be considered as part of the category limit for the user; any oversize garbage collection that is over the category limit will be charged an additional fee for an appropriately higher service category up from the customer's current service category, or as may be set from time to time by Resolution of the Board. The Town may, at its discretion, apply an extra charge for each oversize item using the following formula:

~~(1) Oversize items that can be handled easily by one (1) man will be charged five dollars (\$5.00).~~

~~(2) Oversize items that can be handled easily by two (2) men will be charged seven dollars (\$7.00).~~

~~(3) Oversize items that can be handled by three (3) men will be charged ten dollars (\$10.00).~~

(b) Any person desiring to place tree trimmings or hedge cuttings for collection shall ~~tie them in bundles not heavier than seventy-five (75) pounds in weight and no more than five (5) feet in length and eighteen (18) inches in diameter, and then place said bundles for collection in the same manner and at times provided for collection of garbage~~ leave them in an organized, untied pile no longer than four (4) feet in length

with branches no larger than four (4) inches in diameter, or in a compostable bag, non-compostable plastic bags are not allowed.

- (1) Yard waste including leaves and grass clippings shall be placed in certified compostable bags, or clearly labeled reusable containers for collection.
- (2) Yard waste is limited to grass clippings, pine needles, leaves, weeds, branches, sawdust that is bagged in a compostable bag and not a by-product from a commercial or industrial application, ground or chipped wood.
- (3) Yard waste is limited to three (3) cubic yards per Resident which is equivalent to:
  - i. An area that is approximately four (4) feet by four (4) feet by four (4) feet; or
  - ii. Twenty-one (21) compostable thirty (30) gallon bags
- (4) Yard waste is subject to the following restrictions:
  - i. No plastic, dirt, cactus, glass, tree stumps, branches greater than four (4) inches in diameter, ashes, animal waste, treated lumber, logs, old garden hoses, or broken flower pots.
  - ii. No construction material is allowed for this service and non-compostable plastic bags are not allowed.
  - iii. Material that is not bundled, not in reusable containers clearly labeled as such, or in non-compostable plastic bags will not be picked up.
- (5) Failure to comply with any provision related to yard waste pickup shall result in the yard waste being deemed oversize garbage and subject to the provisions of §13-5-70 (a), and §13-6-100.

~~(c) Tires of automobile size or larger will not be collected.~~

(d) The Town reserves the right to reject any garbage based on size, weight or hazardous content.

### **§13-6-100 Violation and Penalty**

A person using garbage containers or dumpsters for which he or she has not contracted, if he or she is not registered for and subject to the appropriate fees, if he or she is not a resident of the Town or for any other violation hereof shall be punished in accordance with Section 1-4-20 of this Code. Any person violating any Section of this Article shall be deemed guilty of

a petty offense and subject to the stated fine. Each day of such violation shall constitute a separate offense.

- (a) A fine of not more than one thousand dollars (\$1,000.00) for each offense may be levied against a person or business establishment using garbage containers or dumpsters that they have not themselves contracted for, if they are not registered for and subject to the appropriate fees, if they are not residents of the Town or for any other violation hereof. Any person, agent, corporation or firm violating any section of this Article shall be deemed guilty of a petty offense and subject to the stated fine. Each day of such violation shall constitute a separate offense.

**Section 4. Severability.** If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees declares that it would have adopted this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4. Emergency Declaration.** The Board hereby finds, determines and declares that it is necessary that this Ordinance take effect upon the Effective Date to facilitate the enforcement of Waste Disposal within the Town in order to protect public health and safety.

**Section 5. Notice of Enforcement and Inspection.** Violation of this Ordinance is subject to enforcement and punishment and shall constitute a civil infraction punishable by a fine of one thousand dollars (\$1000.00) per day. Each day that a violation continues to exist shall constitute a separate offense. The full text of the ordinance, including any amendments, is available for public inspection at the office of the Town Clerk at Town Hall.

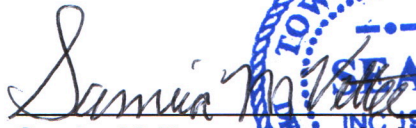
**Section 6. Effective Date and Time.** This Ordinance shall become effective as of this 12th day of August, 2025.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED BY THREE-FOURTHS VOTE AT ITS REGULAR MEETING HELD AT THE TOWN OF PAONIA ON THE 12TH DAY OF AUGUST, 2025.

**TOWN OF PAONIA**

By: Paige Smith  
Paige Smith, Mayor

ATTEST:



Samira M. Vetter, Town Clerk



Approved as to form and contents:



Clayton M. Buchner, Town Attorney