



CITY ATTORNEY'S OFFICE  
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**MEMORANDUM**  
**Not Confidential**

**TO: Mayor Pye and Members of City Council**  
**John Pazour, City Manager**

**FROM: Robert Widner, City Attorney**

**DATE: January 12, 2005**

**SUBJECT: Nuisance Ordinance Discussion: Dumping Provision**

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The Study Session scheduled for January 19 is for the purpose of introducing and discussing the proposed addition to the Nuisance Ordinance to address dumping on private property.

The ordinance proposes the addition of the following definition:

**Junk** means and includes: iron, brass, copper, tin, lead, or other metals; ropes, rags, fibers, or fabrics; bottles or other glass; rubber or rubber products; machinery; motor vehicle parts; tools; appliances; unstacked firewood; cartons, pallets, barrels, and other containers; building materials such as but not limited to lumber, pipe and pipe fittings, conduit and conduit fittings; wastepaper; or other waste or discarded goods.

The ordinance identifies the following new nuisance:

- A. Stockpiling of Earth, Rock, Rubbish, Refuse, Used Building Materials, and Junk. It is a nuisance and unlawful for any owner to permit, authorize, allow, store, or keep upon any property any stockpile, pile, stack, stand, collection, assembly, or other accumulation of earth, dirt, stone, rock, sand, concrete, asphalt, cinders, wood, shingles, used or discarded building or construction materials; tires, inoperable equipment, household appliance(s), scrap metal, scrap plastic, rubbish, refuse, waste, or junk except where:
1. Located within a fully enclosed and lawfully existing structure or building; or
  2. Located upon property zoned and lawfully used for agricultural purposes including the keeping of horses or other livestock; or

3. Directly associated with and necessary for an activity being conducted pursuant to a valid and effective building permit issued by the City of Centennial for the same property upon which such conditions exist; or
4. Directly associated with and necessary for the conduct of a lawfully permitted business activity (excluding home occupations) such as, but not limited to, the stockpiling of lumber associated with a lumber yard or the piling of earth or stone associated with a landscaping materials sales business; or
5. Earth, dirt, stone, or rock is integrated into and made part of a permanent landscape feature located upon a residentially zoned lot containing a principal or primary residential structure; or
6. Not more than two (2) cords of stacked wood suitable and intended for on-site residential use in an interior wood burning fireplace or heating system located upon a residentially zoned lot.

Please contact me should you have any concerns or questions.