CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: 2

Meeting Date: June 27, 2013

Attachments: ☒ Yes ☐ No

CITY COUNCIL ACTION

Date: _____

☐ Approved ☐ Denied
☐ Amended ☐ Tabled
☐ Other

_____

_____

Originating Department: Planning and Development Services

Agenda Item: Garbage/Waste Disposal

Recommended Action: To be determined

Background/Summary: The City continues to receive complaints about garbage and waste collection/disposal primarily in the Central Business District. The Committee will discuss the current Municipal Code and rental ordinance standards for garbage collection. Downtown business owners may be present to participate in the discussion.

Alternatives: 1. Make changes to the City's regulatory devices to address new issues
2. To leave the ordinances/codes as is.

Financial Considerations: Changing the ordinances has no major financial impact on the City, as long as a reasonable means of enforcement is part of those changes. Changes to collection and disposal requirements could have a financial impact on businesses.

Preparer: Bruce D. Peterson

Signature:

Comments:

ARTICLE II. - DISPOSAL OF GARBAGE AND RUBBISH

Sec. 12-26. - Definitions.
Sec. 12-27. - Storage of garbage.
Sec. 12-28. - Storage of rubbish.
Sec. 12-29. - Frequency of removal.
Sec. 12-30. - Hauling.
Sec. 12-31. - Disposal at county landfill.
Secs. 12-32—12-45. - Reserved.

Sec. 12-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garbage means:

(1) The refuse animal or vegetable matter, or both, from kitchens, pantries and dining rooms of hotels, restaurants, boardinghouses, tenement houses, flats and dwelling houses;
(2) The animal refuse from slaughterhouses and butcher shops; and
(3) The refuse fruit and vegetable matter from stores and fruit houses.

Rubbish means paper, boxes, cartons, house sweepings, tin cans, bottles, junk, automobiles, machinery, metals, tires, inner tubes, and any other article or debris that creates an unsightly appearance.

(Code 1978, §§ 1025.01, 1025.02)
Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-27. - Storage of garbage.

(a) All garbage shall be deposited, kept and stored, by every householder or occupant of any dwelling house, boardinghouse, flat, apartment, store, restaurant, hotel, or any other place of business, in fly- and water-tight containers of sufficient size to receive all garbage which may accumulate between times of collection and disposal thereof. Each such container shall be provided with a bail or handles and a tight-fitting cover. The container shall be kept at such place on the premises as to be convenient for the garbage collector, and not in close proximity to the buildings or premises of others.

(b) No person shall deposit or permit to be deposited any garbage or garbage containers at any place nearer [to] the street or thoroughfare adjacent to the front lot line of any property than that portion of the dwelling or structure located nearest the street or thoroughfare, except as follows: Garbage or garbage containers may be placed on the boulevard or area adjacent to a public street after 8:00 p.m. on the day immediately preceding the day for scheduled garbage pickup at that location. Garbage containers and any garbage not removed by the garbage collector shall be removed from the area adjacent to the street before 8:00 p.m. on the day of the scheduled garbage pickup for that location.

(Code 1978, §§ 1025.03, 1025.12; Ord. No. 1149, § 1, 10-17-01)

Sec. 12-28. - Storage of rubbish.

All rubbish shall be stored, deposited and kept in such a manner that the rubbish is not blown around or scattered by the wind, and at such a place that the rubbish will not be in close proximity to the buildings or property of others.

(Code 1978, § 1025.04)

Sec. 12-29. - Frequency of removal.

(a) Garbage containers shall be emptied and the contents thereof removed as often as such receptacles become full, in the case of private residences and dwelling houses, at intervals of not more than two (2) weeks; and in the case of boardinghouses, tenement houses and flats, at intervals of not more than one (1) week. In the case of hotels, restaurants, stores, and fruit houses, garbage shall be removed daily from April 1 in each year to November 1 in each year, while from November 1 in one year to April 1 of the following year garbage shall be removed as often as the garbage containers become full.

(b) All rubbish shall be removed at such intervals of frequency as to prevent the rubbish from becoming rotten and offensive to smell.

(Code 1978, § 1025.06)

Sec. 12-30. - Hauling.

(a) Except as otherwise provided herein, garbage shall be hauled and delivered only in the containers in which it is required in section 12-27 to be deposited, kept and stored.

(b) Rubbish shall be hauled and delivered only in such a manner that it is not blown around or scattered by the wind.

(Code 1978, § 1025.05)

Sec. 12-31. - Disposal at county landfill.

Any person may dispose of either garbage or rubbish by hauling and delivering it to the sanitary landfill facility provided by the county.

(Code 1978, § 1025.05)

Secs. 12-32—12-45. - Reserved.

Rental Ordinance

SECTION III

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

3.01 No owner or other person shall occupy or let to another person any rental unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Minnesota and the City of Willmar, Minnesota.

3.02 Every owner of a rental unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

3.03 Every occupant of a rental unit shall maintain in a clean and sanitary condition that part or those parts of the rental unit and premises thereof that he occupies and controls.

3.04 Every occupant of a rental unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner.

3.05 Every occupant of a rental unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, and safe manner. All garbage cans and refuse containers shall be ratproof, insectproof, watertight, structurally strong to withstand handling stress, easily filled, emptied, and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition. Plastic bags may be used as garbage and refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse.

3.06 The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.

3.07 Every owner of rental units containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

3.08 The owner of a rental unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Ordinance or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance, or

replacement of screens, storm doors, and windows, once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

3.09 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

3.10 No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit.

3.11 No owner of a dwelling containing three (3) of more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises.

3.12 No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.

3.13 Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary, and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

3.14 In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 65 degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of thirty-six (36) inches above the floor level.

3.15 Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, e.g. lead-based paint, as determined by the Appropriate Authority.

Chapter 9

NUISANCES*

Art. I. In General, §§ 9-1—9-25
Art. II. Deposit of Foul or Offensive Materials, §§ 9-26—9-40
Art. III. Weeds, §§ 9-41—9-60
Art. IV. Tree Diseases and Pests, §§ 9-61—9-85
Art. V. Noise, §§ 9-86—9-110
Art. VI. Graffiti, §§ 9-111—9-117

ARTICLE I. IN GENERAL

Sec. 9-1. Definition.

A nuisance is a thing, act, occupation, or use of property which:

(1) Unnecessarily annoys, injures or endangers the safety, health, comfort or repose of the public.

(2) Offends public decency.

(3) Unlawfully interferes with, obstructs or tends to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway.

(4) In any way renders the public insecure in life or in use of property.

(Code 1978, § 1410.01)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 9-2. Penalty for violation of chapter.

(a) Any person who fails to comply with any reasonable order made under the provisions of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished pursuant to section 1-15.

(b) Any person who knowingly causes or creates a nuisance or permits any nuisance to be created or placed upon or remain upon any premises owned or occupied by him shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished pursuant to section 1-15.

(Code 1978, § 1410.09)

***Cross references**—Alcoholic beverages, ch. 3; dogs or cats which run at large are declared nuisances, § 4-26; dumping of trash or littering parks prohibited, § 11-85.

State law references—Local public health act, M.S.A. § 145A.01 et seq.; nuisances, M.S.A. § 561.01 et seq.

Sec. 9-3. Abatement.

(a) *Notice to terminate nuisance; time for compliance.* Unless a different procedure is specifically required whenever, upon investigation, in the judgment of the city engineer or chief of police, a public nuisance is being maintained or exists within the city and within the respective fields of supervision as set forth in this article, they shall notify the person, in writing, who is maintaining the public nuisance, and require him to terminate the nuisance and to remove such conditions or remedy such defect. The written notice shall be served on the person committing or maintaining the nuisance at a time at the discretion of the head of the department serving the notice. The maximum time for removal of the nuisance after service of the notice shall not in any event exceed thirty (30) days, but the time may be decreased at the discretion of the head of the department serving the notice.

(b) *Legal proceedings.* The city engineer or chief of police shall have the right, when an order has not been complied with, to take such legal proceedings as may be necessary in the name of the city to abate and enjoin the further continuation of the public nuisance.

(c) *Removal of conditions by city.* The city engineer and chief of police shall also have the right, when an order has not been complied with, to cause the public nuisance to be removed and to remove such conditions or remedy such defect on the premises as may constitute a public nuisance, through the employment of city labor. The cost of such removal or remedial measures shall be assessed by action of the city council against the property, under such terms and conditions as the city council may require.
(Code 1978, § 1410.08)

Sec. 9-4. Duties of chief of police.

It shall be the duty of the chief of police to inspect premises, conditions and circumstances within the city and take all necessary precautions to prevent the commission and maintenance of public nuisances affecting morals and decency. The police department shall at all times assist the city engineer in detecting and preventing the commission or maintenance of public nuisances within the city of any nature, as defined in this chapter and by the laws of the state.
(Code 1978, § 1410.07)

Sec. 9-5. Duties of city engineer.

It shall be the duty of the city engineer, aided by the police department, to inspect premises within the city and take such steps as are reasonably necessary to prevent the commission and maintenance of public nuisances affecting peace and safety as defined in section 9-8.
(Code 1978, § 1410.06)

Sec. 9-6. Duties, authority of building inspector.

It shall be the duty of the building inspector to inspect premises within the city and to take such necessary precautions as may be required to prevent the commission and maintenance of public nuisances. Whenever in the judgment of the building inspector a nuisance exists, the

building inspector shall be authorized to give notice in the same manner as provided under section 9-3, and if the nuisance is not abated within the time limits set forth therein, the building inspector shall refer the matter to the city engineer or chief of police for appropriate action under section 9-3.
(Code 1978, § 1410.05)

Sec. 9-7. Nuisances affecting health.

The following are hereby declared to be nuisances affecting health:

(1) All decayed or unwholesome food offered for sale to the public.

(2) All diseased animals running at large.

(3) All ponds, pools, holes or excavations containing stagnant water.

(4) Milk that is produced by cows that have not been tested and found free of tuberculosis and Bangs' disease within the year previous to the offering of such milk for sale to the public as provided by ordinance.

(5) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.

(6) Accumulations of manure, rubbish, garbage and junk; also bottles, papers or cans on public property, except bottles, papers, cans or other material to be recycled may be placed in the public right-of-way under the following conditions:

a. Such materials may be placed in the public right-of-way only for pickup by a company or agency authorized by the state or a political subdivision to be engaged in pickup for recycling.
b. All materials must be properly bagged or packaged as directed by the agency or company engaged in the pickup service and in the container provided by the pickup service.
c. No materials may be placed in the public right-of-way more than twenty-four (24) hours before the scheduled pickup.
d. All materials must be placed to the backside of the curb.
e. Ownership of the designated recyclable materials set out for collection shall be vested in the collector and transporter of recyclable materials designated by Kandiyohi County. It shall be unlawful and an offense against this section for any person, firm or corporation other than the owner, lessee or occupant of a residential dwelling, to pick up such materials for his/her own use.

(7) Privy vaults and garbage cans which are not fly-tight.

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances.

(9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.

(10) Offensive trades and businesses, as defined by state law, not licensed by the city as provided by law.

(11) All public exposure of persons having contagious disease.

(12) The use of common drinking cups or roller towels so designed that the same portion of the towel is repeatedly used by many people.

(13) The distribution of samples of medicines or drugs, unless such samples are placed in the hands of an adult person.

(14) All other acts, commission of acts, occupations and uses of property which are deemed by the city to be a menace to the health of the inhabitants of the city or any considerable number thereof.

(Code 1978, § 1410.02; Ord. No. 999, § 1, 5-1-91)

Sec. 9-8. Nuisances affecting peace and safety.

The following are declared to be nuisances affecting public peace and safety:

(1) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable rate of speed to a full stop before the intersection is reached.

(2) All limbs of trees which are less than eight (8) feet above the surface of the public sidewalk or nine (9) feet above the surface of any street.

(3) All wires which are strung less than fifteen (15) feet above the surface of the public sidewalk or roadway.

(4) All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which are so situated as to endanger the safety of the public.

(5) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by ordinance.

(6) All use or display of fireworks except as provided by ordinance.

(7) All unnecessary noises and annoying vibrations.

(8) All buildings and all alterations to buildings made or erected within the fire limits, as established by ordinance, in violation of the ordinance with regard to the manner and materials of construction; also, all buildings made or erected in violation of the building code.

(9) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds, except under such conditions as are permitted by ordinance.

(10) All uncovered and unprotected excavations, holes, basements, cisterns or wells where stagnant water may be permitted to stand or which might prove dangerous to children or others upon the property.

(11) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks, unless permission for such use on the public street or sidewalk has been granted by the city council.

(12) All hanging signs, awnings and other similar structures over the streets or sidewalks so situated as to endanger public safety, or which are not constructed and maintained as provided by ordinance.

(13) The allowing of rainwater or water produced from melted snow and ice to run from any building or structure directly or by downspout upon a sidewalk.

(14) All barbed wire fences which are located within fifteen (15) feet of any public sidewalk.

(15) All dangerous unguarded machinery in any public place or so situated or operated on private property as to attract the public.

(16) The disposal of or the throwing away of lighted cigarettes or cigars.

(17) The burning of any material before 1:00 p.m. or after 9:00 p.m. on any day. The burning of rubber, garbage or any material offensive to smell or which tends to create excessive smudge or smoke is expressly forbidden at any time. The burning of any material except leaves must be in an approved incinerator, which is a container constructed of a noncombustible material where neither the container nor the cover thereof has openings of more than one (1) inch in diameter. It shall be the duty of the city fire marshal, as well as the other city officers referred to in this chapter, to inspect premises, conditions and circumstances surrounding complaints or violations of this subsection and to make his report thereon to the city engineer or chief of police.

(18) All other conditions or things which are liable to cause injury to the person or property of any person.

(Code 1978, § 1410.03)

Secs. 9-9—9-25. Reserved.

ARTICLE II. DEPOSIT OF FOUL OR OFFENSIVE MATERIALS*

Sec. 9-26. Deposit on public property.

No person shall throw or deposit or cause to be thrown or deposited manure, offal, garbage, filth, ashes or any decayed, ill-smelling, offensive, nauseous, unwholesome or noisome substance, liquid or thing in or upon any street, sidewalk, alley, park, public square or public place within the city.

(Code 1978, § 1015.01)

Cross reference—Streets, sidewalks and other property, ch. 13.

*__Cross reference__—Dumping of trash or littering parks prohibited, § 11-85.

Sec. 9-27. Deposit on private property.

No person shall throw or deposit or cause to be thrown or deposited manure, offal, garbage, filth, ashes or any decayed, ill-smelling, offensive, nauseous, unwholesome or noisome substance, liquid or thing upon any private property, lot or tract of land within the city; provided, however, that owners or lessees of barns or stables may throw or deposit manure from a barn or stable upon the property upon which the barn or stable is situated, but no such owner or lessee of a barn or stable shall suffer or permit manure to accumulate or to be thrown or deposited from such barn or stable upon the property upon which the barn or stable is situated for a longer period of time than two (2) weeks without removing the manure.
(Code 1978, § 1015.02)

Secs. 9-28—9-40. Reserved.

ARTICLE III. WEEDS

Sec. 9-41. Generally.

Any weeds or grass, whether noxious as defined by law or not, upon any lot or parcel of land outside the traveled portion of any street or alley in the city, growing to a greater height than seven (7) inches, or which have gone or are about to go to seed, are declared a nuisance; the owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.
(Code 1978, §§ 610.01, 610.03, subd. 1; Ord. No. 1135, § 1, 5-3-00)

Editor's note—The provisions of section 9-41 shall not apply to any area required to remain in its natural state by the Shoreland Management Ordinance.

Sec. 9-42. Notice to remove.

When the owner and occupant permit a weed or grass nuisance to exist in violation of section 9-41, the weed inspector or designated representative shall serve notice upon the owner of the property, if he resides in the city and can be found therein, or upon the occupant or other person in charge of the property in other cases, by registered mail or by personal service, ordering such owner, occupant or person in charge of the property to have such weeds or grass removed within five (5) days after receipt of the notice, stating that, in case of noncompliance, such work will be performed by the city or its agents and the cost thereof made a special assessment against the property concerned. When no owner or occupant can be found, notice shall be mailed to the owner as shown in the records of the city assessor by certified mail return receipt.
(Code 1978, § 610.03, subd. 2; Ord. No. 986, § 1, 10-3-90; Ord. No. 1054, § 4, 4-20-94; Ord. No. 1135, § 2, 5-3-00)

Rental Ordinance

SECTION III

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

3.01 No owner or other person shall occupy or let to another person any rental unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Minnesota and the City of Willmar, Minnesota.

3.02 Every owner of a rental unit containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

3.03 Every occupant of a rental unit shall maintain in a clean and sanitary condition that part or those parts of the rental unit and premises thereof that he occupies and controls.

3.04 Every occupant of a rental unit shall store and dispose of all his rubbish in a clean, sanitary, and safe manner.

3.05 Every occupant of a rental unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, and safe manner. All garbage cans and refuse containers shall be ratproof, insectproof, watertight, structurally strong to withstand handling stress, easily filled, emptied, and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean, sanitary condition. Plastic bags may be used as garbage and refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse.

3.06 The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.

3.07 Every owner of rental units containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

3.08 The owner of a rental unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Ordinance or any rule or regulation adopted pursuant thereto, except where there is a written agreement between the owner and occupant. In the absence of such an agreement, maintenance, or

replacement of screens, storm doors, and windows, once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

3.09 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

3.10 No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit.

3.11 No owner of a dwelling containing three (3) of more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises.

3.12 No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.

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3.14 In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 65 degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of thirty-six (36) inches above the floor level.

3.15 Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, e.g. lead-based paint, as determined by the Appropriate Authority.

ARTICLE II. - DISPOSAL OF GARBAGE AND RUBBISH

Sec. 12-26. - Definitions.
Sec. 12-27. - Storage of garbage.
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Secs. 12-32—12-45. - Reserved.

Sec. 12-26. - Definitions.

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Garbage means:

(1) The refuse animal or vegetable matter, or both, from kitchens, pantries and dining rooms of hotels, restaurants, boardinghouses, tenement houses, flats and dwelling houses;
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(3) The refuse fruit and vegetable matter from stores and fruit houses.

Rubbish means paper, boxes, cartons, house sweepings, tin cans, bottles, junk, automobiles, machinery, metals, tires, inner tubes, and any other article or debris that creates an unsightly appearance.

(Code 1978, §§ 1025.01, 1025.02)
Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 12-27. - Storage of garbage.

(a) All garbage shall be deposited, kept and stored, by every householder or occupant of any dwelling house, boardinghouse, flat, apartment, store, restaurant, hotel, or any other place of business, in fly- and water-tight containers of sufficient size to receive all garbage which may accumulate between times of collection and disposal thereof. Each such container shall be provided with a bail or handles and a tight-fitting cover. The container shall be kept at such place on the premises as to be convenient for the garbage collector, and not in close proximity to the buildings or premises of others.
(b) No person shall deposit or permit to be deposited any garbage or garbage containers at any place nearer [to] the street or thoroughfare adjacent to the front lot line of any property than that portion of the dwelling or structure located nearest the street or thoroughfare, except as follows: Garbage or garbage containers may be placed on the boulevard or area adjacent to a public street after 8:00 p.m. on the day immediately preceding the day for scheduled garbage pickup at that location. Garbage containers and any garbage not removed by the garbage collector shall be removed from the area adjacent to the street before 8:00 p.m. on the day of the scheduled garbage pickup for that location.

(Code 1978, §§ 1025.03, 1025.12; Ord. No. 1149, § 1, 10-17-01)

Sec. 12-28. - Storage of rubbish.

All rubbish shall be stored, deposited and kept in such a manner that the rubbish is not blown around or scattered by the wind, and at such a place that the rubbish will not be in close proximity to the buildings or property of others.

(Code 1978, § 1025.04)

Sec. 12-29. - Frequency of removal.

(a) Garbage containers shall be emptied and the contents thereof removed as often as such receptacles become full, in the case of private residences and dwelling houses, at intervals of not more than two (2) weeks; and in the case of boardinghouses, tenement houses and flats, at intervals of not more than one (1) week. In the case of hotels, restaurants, stores, and fruit houses, garbage shall be removed daily from April 1 in each year to November 1 in each year, while from November 1 in one year to April 1 of the following year garbage shall be removed as often as the garbage containers become full.
(b) All rubbish shall be removed at such intervals of frequency as to prevent the rubbish from becoming rotten and offensive to smell.

(Code 1978, § 1025.06)

Sec. 12-30. - Hauling.

(a) Except as otherwise provided herein, garbage shall be hauled and delivered only in the containers in which it is required in section 12-27 to be deposited, kept and stored.
(b) Rubbish shall be hauled and delivered only in such a manner that it is not blown around or scattered by the wind.

(Code 1978, § 1025.05)

Sec. 12-31. - Disposal at county landfill.

Any person may dispose of either garbage or rubbish by hauling and delivering it to the sanitary landfill facility provided by the county.

(Code 1978, § 1025.05)

Secs. 12-32—12-45. - Reserved.

CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: 3

Meeting Date: June 27, 2013

Attachments: ☒ Yes ☐ No

CITY COUNCIL ACTION

Date: _____

☐ Approved ☐ Denied
☐ Amended ☐ Tabled
☐ Other

_____

_____

Originating Department: Planning and Development Services

Agenda Item: Residential Zoning Enforcement

Recommended Action: To be determined

Background/Summary: Committee requested that staff summarize activities and procedures used to enforce zoning and property maintenance standards in the residential districts (see attachment).

Alternatives: 1. Change residential zoning and maintenance standards
2. Leave as is

Financial Considerations: Changing the residential zoning and maintenance standards would have a cost to the City from increased enforcement and prosecution.

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Signature:

Comments:

RESIDENTIAL ZONING ENFORCEMENT

Zoning enforcement is handled by the City Planner, Building Official, and Building Inspector. Exterior storage violations include items such as garbage, furniture, unlicensed vehicles, appliances, and improper off-street vehicle parking. Exterior storage is regulated by the Zoning Ordinance. The process of zoning enforcement often starts with a complaint regarding a property. Staff views the property from the street (or abutting property), writes out a high visibility community enhancement form (lists violations, Ordinance requirements, timeframe for compliance, and violations/penalties). Staff attempts to personally notify the homeowner or tenant if home (or leaves the notice in the door) and mails a copy to the homeowner of record (and rental manager). Staff returns to the property after the allotted time to check for compliance. If in compliance, no further action is taken; if violations remain, photos are taken and a copy of the photos and violation notice are submitted to the Police Department for ticketing. A court date is set, and the City Attorney handles the prosecution of the offense.

This process has worked fairly well; the biggest issues are with rental properties that have absentee landlords and repeat violations. Foreclosed properties have also been a problem, as it takes so long to locate anyone responsible for the property maintenance etc. In years past, staff would take a proactive stance and do sweeps of neighborhoods in spring/summer/fall writing up visible violations. Due to job responsibility shifts and work load, zoning enforcement has been on a complaint basis only.

Citizen, as well as staff, frustrations with the process are the drawn out timeframe, and limited power for cleanup of property. Staff can notify and talk to violators, but penalties for violations are up to the courts. Zoning violations tied up the court system with the misdemeanor violation. In 2011 the Kandiyohi County court system asked the City to revise the Zoning Ordinance so first violations of the Ordinance would be a petty misdemeanor and any subsequent violations a misdemeanor. The court system was inundated, and this was to alleviate warrants out for people for garbage violations, which the court system considers a petty misdemeanor issue. This change, however, did nothing to speed up the process or orders for cleanup. Often staff/citizens wait for the matter to go through the court system and the violator is let off easy or with a minor fine, sometimes the property owner is not even ordered to clean up the violation. Staff's only recourse is to write the property up again and start the process all over. One solution could be the City Attorney requesting judges to take zoning violation cases more seriously and require abatement/stiffer fines. Better communication between staff and the City Attorney is needed for staff to track court action.

Staff has researched other communities to see ways to improve the process. Some communities have a section to deal with repeat offenders. There are certain properties that staff becomes quite familiar with as they consistently violate ordinances, then clean up the property for a few weeks or months, only to slowly go back to old habits. Cities with ordinances for repeat offenders cite the matter once in a calendar year and any subsequent violations can be forwarded onto the court system without going through the notification paperwork process. Violators get an initial warning and education on the laws, and any violation after that results in immediate prosecution.

Another process to consider would be an administrative citation. Similar to a parking ticket, a fine ticket could be issued for violators that have not abated a zoning violation. This would hit the violators in the pocket immediately, and be a faster way for them to go to court if not paid. The funds could possibly be put in a special fund to help with cleanup efforts on foreclosed properties that the city ends up dealing with and assessing the property for.

Another tool staff uses to deal with zoning violations includes door hanger notices on garbage cans. Similar to door hanger notices for power termination, the notice is left on garbage cans that get left at the curb for weeks instead of only being put out on pick up day. The reminder works most of the time, those that ignore the notice then get a full high vis citation.

Staff uses an issue tracker (computer program created by IT), where a complaint is logged and staff can make notations on the process. These are private logs, as per State Statute zoning complaints are confidential. It's a good way to keep track of multiple violations and where they are in the notification/abatement process.

There also is an exterior maintenance ordinance that has only ever been used on a complaint basis, with minimal success. It's a minimum standards code, so the exterior surface (i.e. paint) has to get pretty bad to exceed the 20% peeling required for a citation. Many times the complaints that we do get find the properties aren't bad enough to warrant a citation. Neighbors don't understand that we are limited in our power. A piece of plywood over a broken out window technically is not a violation of any code except the rental code, and it keeps the weather out. To have this Ordinance be more effective, the Ordinance would need to be amended to meet a higher standard than the minimums that are currently set.

Overall, a majority of properties are well maintained and kept up. However, the ones that are being neglected seem to be getting worse. There is a lack of personal pride and sense of ownership in rental properties, and absentee landlords are always an issue. The minimum codes and drawn out legal processes do not meet the standard or look citizens want for the neighborhoods. Staff is stuck in the middle of neighborhood disputes and difficult to deal with property owners, tenants etc. Some property owners think staff is being petty when written up, but on the other hand, the person calling in the complaint thinks we should have the violation taken care of immediately and doesn't recognize the legal paper work process. Neighbors tattle on one another or think they are being picked on so they retaliate.

One property gets cleaned up and another 15 need attention. It's a never ending cycle, with new landlords buying out old slumlords but to continue on the same path. If staff had more power, whether it be fines or even a cleanup fund to cover garbage bills or cans of paint, it would help. Some communities even have neighborhood groups that keep an eye on neighborhoods and assist with notifications and documentation. Neighbors don't know their neighbors anymore; people don't approach each other about the stack of tires in the yard that's an eye sore or an appliance in the back yard. Perhaps some grass roots efforts would help. Staff will continue their diligent efforts, but it's up to the Council to set new policy if they wish to see a different standard for neighborhoods.

PDS Staff