



TO: Michael Fugiel, Chairperson
Environmental Concerns Committee Members

FROM: William J. Heniff, AICP, Director of Community Development

DATE: May 27, 2014

RE: **Proposed Amendments to Section 92.13 of the Village Code – Waste Container Placement**

Over the past few years, Community Development staff has been reviewing the existing Village Code as it pertains to the desired placement of residential waste containers. Section 92.13 (E) currently reads as follows (emphasis added):

(E) It shall be the duty of every person in possession of any premises or residing at any premises within the Village, for which a waste container or waste containers, are provided, to place the same at a location in the rear yard of said premises. Where a residence or dwelling unit does not have a rear entrance to a rear yard, but has a rear entrance located in a side yard, such containers may be located in the side yard, but only if effectively screened so as not to be clearly visible from a public street or adjacent property. These location and screening requirements shall not apply to dumpsters used other than for regularly scheduled service of at least once every seven days.

The Village's voluntary code compliance review process as well as regular inspections of properties has consistently found that the aforementioned underlined sections of code are not widely followed throughout the Village. The reasons for such widespread non-compliance can be attributed to the layout and design of existing constructed residences and convenience factors. Staff also notes that the code provisions have been in place for decades and were in effect when most constructed residences had detached garages and side driveways. Lastly, the regulations were also in place prior to the standardization of uniform garbage containers through Waste Management. Each of these factors contributed to our current level of noncompliance.

While the existing codes could remain in place, staff has concerns about the desired method for addressing service requests for regulations that are not being uniformly applied in neighborhoods or the community. Staff can attest to ongoing and recent service request responses resulting in numerous houses within a given block or area being found in noncompliance as well. Other than a significant widespread code enforcement effort, which would likely result in many objections, staff is proposing amendments to the subsection to ensure that the aesthetic and nuisance impacts of garbage cans remain minimized, but the general practice of waste container storage in a convenient place is still met.

Staff also notes that when the original regulations were established, these provisions were enacted in an era whereby waste containers were not standardized and refuse was stored in a wide variety of container types. With the uniform containers provided by the Village waste hauler now in place, many of the concerns pertaining to waste container placement are reduced.

Staff offers the following proposed new language to Subsection 92.13 (E):

(E) Waste containers being stored outside for single-family dwellings, two-family dwellings or attached single-family dwellings shall be placed in the following manner:

1. Waste containers provided by the Village's authorized waste collection firm shall be located within three (3) feet of the exterior wall of any principal or accessory building located on the premises.

2. Waste containers not provided by the Village's authorized waste collection firm shall be located behind the front wall of the principal building that is nearest to the front lot line, be visually separated from public streets and be located within three (3) feet of the exterior wall of any principal or accessory building located on the premises.

The location and screening requirements shall not apply to dumpsters used other than for regularly scheduled service of at least once every seven days.

ACTION REQUESTED

Community Development staff is bringing this request forward to the Environmental Concerns committee for review and consideration of the aforementioned amendment to Subsection 92.13 (E) pertaining to the permissible placement of waste containers on residential properties. Staff recommends approval of the proposed amendment.