



MEMORANDUM

TO: **Trustee Laura Fitzpatrick, Chairperson**
Economic and Community Development Committee
Trustee William Ware, Chairperson
Public Works Committee

FROM: William J. Heniff, AICP, Director of Community Development
Dave Gorman, P.E., Assistant Director of Public Works

SUBJECT: Proposed Code Amendment for Dumpsters in the Downtown

DATE: January 12 and 13, 2015

The Community Development Department is proposing that dumpsters be allowed in the public right-of-way for very specific circumstances in order to accommodate space constraints when remodeling downtown buildings. Many downtown properties do not have adequate space on private property for a dumpster. In the past, the Village has seen dumpsters placed on the public right-of-way for extended periods of time and without property safety protocols. Staff hopes the proposed subsection below will help downtown property owners and businesses as building are rehabbed. Staff researched and analyzed dumpster regulations from numerous communities with similar conditions in their downtowns.

Staff asks that the Economic and Community Development Committee (ECDC) and the Public Works Committee (PWC) provide comments on a proposed subsection (D) to §97.005 "Items on Village Right-of-Way". The amended §97.005 would read in its entirety as follows (proposed language is underlined).

§ 97.005 - Items on Village Right-of-Way.

(A) The village, having control and responsibility of the village right-of-way, deems it to be in the best interest of its citizens and residents to allow trash receptacles, street planters, and street furniture to be placed on village right-of-way if the following conditions are met:

- (1) The village installs and maintains these items.
- (2) The items are installed or maintained in the following commercial districts: B1 Limited Neighborhood Shopping District, B2 General Neighborhood District, B3 Community Shopping District, and B5 Central Business District other than trash receptacles which may be placed throughout the entire community.
- (3) The items have no adverse impact on traffic or pedestrian movement.
- (4) The health, welfare, and safety of persons using the items or in the vicinity of the items are not be adversely affected.

- (B) The Beautification Committee shall recommend granting or denial of the application to the Board of Trustees. The Board of Trustees shall concur or overrule the recommendation of the Beautification Committee based on the same objective criteria listed in division (A).
- (C) In addition to the street furniture listed in Division (A) above, businesses in the B5 Central Business District shall be permitted to place decorations in the village right-of-way if the following conditions can be met:
- (1) All applicants who wish to place decorations in the right-of-way shall request a sidewalk decorations permit by completing an application in a form approved by the village. This application shall be submitted to the village's Director of Community Development with a non-refundable fee of \$25.00. All applications shall include the following information:
 - (a) Name, address, and phone number of the proprietor and the business wishing to provide the decorations.
 - (b) Three copies of a detailed site plan showing all existing objects on the property and in the public right-of-way adjacent to the business, including a depiction of on-street parking adjacent to the business and the location of any street furniture. If the business has an outdoor café in the right-of-way, then the chairs and tables associated with the café shall also be shown on the site plan. The site plan shall identify a "decorations area," the area in which all sidewalk decorations shall be located. The Decorations Area and all sidewalk clearances shall be accurately dimensioned.
 - (c) Sidewalk decorations permit applications must include certificates of insurance in the following amounts: (1) Comprehensive General Liability Insurance—\$1,000,000.00, showing the village, its officers, employees, agents, and volunteers as additional insureds and containing a statement that said policies shall not be changed or canceled without 30 days written notice to the Village of Lombard; and (2) Workers' Compensation-Statutory Amount.
 - (d) Sidewalk Decorations Permit shall include a signed indemnification statement on the form provided by the village.
 - (2) Applications may be submitted at any time during a calendar year, but all permits shall expire on December 31 of the same calendar year.
 - (3) All sidewalk decorations permit holders shall be subject to the following conditions:
 - (a) Sidewalk decorations shall follow the criteria listed in division (A) above.
 - (b) All decorations shall be placed within the decorations area as shown on the site plan. The decorations area shall be located so that a four foot wide unobstructed walkway is provided, so that there is a clear pathway from on-street parking to the sidewalk, and so that normal ingress and egress to any business is not obstructed. The decorations

area shall be located entirely in the right-of-way which is directly in front of the business for which the decorations area is requested.

- (c) The decorations area and the right-of-way shall be maintained clean and free from refuse or clutter at all times regardless of the source of such refuse and clutter. Items within the decorations area shall be maintained in a good and attractive condition.
- (d) Sidewalk decorations permits shall be posted in a conspicuous place inside the business.
- (e) Notice of a violation of the provisions of this section, including the placement of decorations outside of the designated "decorations area" shall be issued in the form of a compliance ticket. Failure to comply with the terms of that notice shall result in a charge of ordinance violation(s) which upon conviction will result in a penalty of not less than \$50.00 nor more than \$750.00 for each day on which the violation occurs or continues to occur and the revocation of the sidewalk decorations permit. The Chief of Police or Fire Chief of the Village of Lombard upon determining that the method or manner of use of the Sidewalk Decorations Permit pose a threat to the public health, safety, or welfare shall have the power and authority to cause the items within the right-of-way to be removed immediately and to revoke the permit.

(D) One dumpster may be allowed in the public right-of way of the Central Business District with prior written approval from the Director of Community Development, or his or her designee, for work associated with a building permit. The Director of Community Development, or his or her designee, shall be the sole authority to determine whether a dumpster should be allowed to be placed in the public right-of-way. The building permit holder shall:

- (1) demonstrate that their dumpster cannot be reasonably accommodated on private property;
- (2) place the dumpster only within specific dates that shall not interfere with foreseen special events;
- (3) be wholly responsible for all damages and liability due to placement in the public right-of-way;
- (4) place the dumpster only in a demarcated parking space, not including those reserved for persons with disabilities, on St. Charles Road from Lincoln Avenue to Martha Street, Park Avenue from Grove Street to Michael McGuire Drive, or Main Street from Grove Street to St. Charles Road;
- (5) place the dumpster as close to their own building as possible and at least ten (10) feet from any building, fifteen (15) feet from any fire hydrant, and thirty (30) feet from any crosswalk or traffic sign or signal;
- (6) place and maintain barricades with working flashers at the corners of the dumpster and cover it with a tarpaulin during non-working hours;
- (7) be responsible for all fly dumping that may occur in and next to the dumpster;

- (8) remove the dumpster within six hours of notice to do so from the Chief of Police or the Director of Public Works per Village Code §97.001;
- (9) use a dumpster of a maximum size of thirty (30) cubic yards;
- (10) the dumpster fee will be on hundred dollars (\$100) for the first three (3) days of use, with a fee of twenty-five dollars (\$25) each day thereafter; and
- (11) provide a certificate of insurance in the following amount: Comprehensive General Liability Insurance—\$1,000,000.00, showing the village, its officers, employees, agents, and volunteers as additional insureds and containing a statement that said policies shall not be changed or canceled without 30 days written notice to the Village of Lombard.

Recommendation

This item is being placed on the January 12, 2015 ECDC agenda and the January 13, 2015 PWC agenda for consideration at both Committees. Staff recommends that both Committees recommend approval of the proposed ordinance changes to the Village Board of Trustees.

cc: Raymond Byrne, Chief of Police
Carl Goldsmith, Director of Public Works