




## MEMORANDUM

**TO:** Trustee Anthony Puccio, Chairperson  
Economic & Community Development Committee Members

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

**MEETING DATE:** December 16, 2019

**SUBJECT:** **Community Development/ECDC Committee Review – Text  
Amendments to Section 94.05(A) and Policies Pertaining to Waste  
Within Parkways**

At the February, 2019 Economic and Community Development Committee (ECDC) meeting, the members approved updated Code Enforcement Vision and Procedure Manual as part of the Village's Standard Operating Procedures (SOP). As part of the regular review of code provisions and as a part of the implementation effort of this document, staff offers an amendment to existing code and seeks a policy matter as it pertains to waste collection and utilization of the within the public rights-of-way.

### Code Amendments

Section 94.05(A) reads as follows:

*§ 94.05 - Schedule B: Notice not required; nuisances defined.*

*No notice need be given as set forth in § 94.03, and a complaint, summons, or citation may be issued instantly upon the occurrence of any of the nuisances defined as follows:*

*(A) To place, cause, or permit any tangible item to be placed upon or permitted to remain upon any parkway within the village, except for the purpose of being picked up by a regularly scheduled scavenger service or as otherwise authorized in § 97.005, § 97.010, § 119.20, § 153.233, § 153.239, or other provisions of this Code; or to allow or permit the placement of items for pickup by scavenger service upon any parkway sooner than 12 hours before the regularly scheduled day for pickup; or to allow or permit containers or other tangible items to remain upon any parkway beyond 12 hours following the regularly scheduled day for pickup;*

The first amendment is really intended to reflect how Lombardians put out their waste containers and items for removal. staff is bringing forward for consideration is a change to the code provisions to change the time period to put out refuse or return containers from 12 hours to 24 hours. This amendment is being offered for a few reasons. First, residents and staff find that frequently place items out on the parkways during the weekends, potentially in an effort to have other interested parties or even scavengers take the items. Such actions are essentially extensions

of the Village's effort to encourage recycling or reuse by others. Second, residents may have travel itineraries or even work commitments that may result in the refuse containers outside greater than 12 hours. The amendment is also intended to allow staff to focus its energies on service requests and life/safety code related items.

This amendment was also reviewed by the Public Works staff, who oversees the Waste Hauling contract for the Village. In response, they fully support the change to 24 hours. Waste Management's collection may begin as early as 6:00 a.m. per our Solid Waste Contract. Also, putting items that may be of interest to scrappers out a day prior encourages recycling and saves on disposal costs.

#### Advance Placement of Materials

As noted above, tenants moving in or out of residences and property owners performing clean-up activities frequently undertake such activities on weekends. The result of this effort is that materials may be placed on parkways on Saturdays or Sundays, for example. Such an action would be a violation of Village Code in most cases and make the owner subject to prosecution. Code compliance would in most cases require the materials to be stored elsewhere on the property and movers would have to return within 24 hours of the collection day/time to have the material moved to the parkway. However, such efforts occur frequently, as that is a good way to encourage recycling and to have items removed from premises. Staff offers that as a policy matter, the ECDC provide direction to Village staff to not make advance placement of materials in the parkways subject to primary code enforcement. The overall code would still remain in place, in case of a situation where a full eviction occurs or the materials pose a safety hazard, but Village code Enforcement staff will not actively cite a property for material put out on a Saturday for a Monday pick-up, as an example. This approach is not dissimilar to police ticketing motorists traveling 32 mph in a 30 zone, or even the Village's cargo container limitations on residential properties – it is not per the strict interpretation of code, but it will not be actively or aggressively responded to unless it poses a safety concern. That said, if the materials are still on the parkway more than 24 hours after the scheduled refuse collection day, it could be subject to follow up response.

Special Note: Waste Management does provide for special pick-up of electronics, large items, bagsters and selected construction debris which are not time linked to the actual scheduled pick-up day. As such, flexibility is need in the application of the ordinance.

#### **ACTION REQUESTED**

This item is being shared with the ECDC for review purposes at the December 16, 2019 meeting. Staff will be seeking concurrence by the ECDC members on the proposed text amendments and policy directive pertaining to Section 94.05(A) of the Village Code.