

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 9, 2014 (B of T) Date: June 19, 2014

TITLE: ECC Recommendation – Text Amendments to the Chapter 92: Waste Container Placement

SUBMITTED BY: Department of Community Development *HN*

BACKGROUND/POLICY IMPLICATIONS:

Your Environmental Concerns Committee through the Department of Community Development submits for your consideration an ordinance approving text amendments to the Lombard Code Title 9, Chapter 92, Section 92.13 regarding placement of refuse containers. (DISTRICTS - ALL)

The ECC recommended approval of the proposed text amendments.

Fiscal Impact/Funding Source:

Review (as necessary):
Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

DATE: June 19, 2014

SUBJECT: **ECC Recommendation – Text Amendments to the Chapter 92: Waste Container Placement**

At the May 27, 2014 meeting of the Environmental Concerns Committee (ECC), the ECC considered amendments to Chapter 92 of the Village Code) regarding regulations pertaining to the legal placement of waste containers on residential properties.

William Heniff, Community Development Director, reviewed the materials placed in the ECC packet. The existing Code was enacted back at a time when a variety of cans and bags were used. Aesthetics, health and sanitation have since improved with the standardized toters. There are still other containers used for contents such as yard waste and pet waste so the proposed code amendment needs to address both toters and other containers.

Dan Richardt asked if toters would be allowed in front of a house. Mr. Heniff replied that was correct, within three feet of the house. The proximity to the house or accessory structure was added so that the impact of storing such containers outside would often be greater than upon an adjacent property. Containers other than toters provided by Waste Management would need to be behind the front wall and not visible from the street. The issue is that some properties have a lack of available space in the side yard or in garages for their toters.

He explained that there is wide-spread noncompliance with the current Code that makes enforcement difficult. He noted that we have received service requests regarding waste container placement in the past. However, when enforcement staff reviews the properties in question, staff frequently finds many properties within a given block or neighborhood are also in non-compliance. Staff also noted entire subdivisions Located in the Village where compliance has historically not been followed.

Jason Cooper asked what percentage of cases this amendment would cover. Mr. Heniff said most, if not all. Mr. Cooper asked if a setback from the property lines was considered. Mr. Heniff replied that enforcement will be clearer if it is based on distance from buildings on the lot. Dana raised concern about the aesthetics of allowing toters to be placed in front of houses.


There was discussion about the non-standard containers needing to be not visible from the street. Mr. Richardt asked about corner lots. Mr. Heniff said it would apply to being seen from any street.

The Committee then discussed minor revisions to the draft and offered a few changes for clarity. Mr. Cooper motioned, and Ms. Bartt seconded to recommend that the Village Board approve the revisions to Section 92.13(E) of the Village Code, as amended by the ECC. Ms. Bartt, Mr. Cooper and Mr. Richardt voted in favor and Ms. Moreau voted against, citing concerns regarding the impact of lessening the regulations could have a negative aesthetic and impact on residential properties and neighborhood.

ACTION REQUESTED

Please place this item on the June 19, 2014 Village Board agenda for consideration and approval. ECC recommends approval of the attached text amendments to Section 92.13(E) regarding placement of refuse containers.

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.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE TITLE 9, CHAPTER 92, SECTION 92.13
OF THE CODE OF LOMBARD, ILLINOIS**

(Environmental Concerns Committee: Waste Container Placement)

WHEREAS, the Village of Lombard maintains health and sanitation regulations which is found in Title 9, Chapter 92 of the Code of Lombard, Illinois; and,

WHEREAS, the Village deems it reasonable to periodically review code regulations and make necessary changes to protect life, safety health and welfare and maintenance of all individuals in the Village; and

WHEREAS, the provisions set forth within Section 92.13(E) establishes regulations pertaining to the proper placement of refuse containers; and

WHEREAS, the existing provisions set forth within Section 92.13(E) do not adequately address the needs or desires of residences to place such containers on selected residential properties, as the regulations have resulted in inconsistent and widespread non-compliance with the strict interpretation of the existing regulations; and

WHEREAS, the existing provisions set forth within Section 92.13(E) were established prior to the creation of standardized waste containers for refuse collection by the Village's waste hauler; and

WHEREAS, a public meeting to consider text amendments to the Section 92.13(E) has been conducted by the Village of Lombard Environmental Concerns Committee (ECC) on May 27, 2014; and

WHEREAS, ECC has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein, as amended; and

WHEREAS, the President and Board of Trustees approve and adopt the recommendations of the Board of Building Appeals and incorporate such recommendations herein by reference as if they were fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 9, Chapter 92, Section 92.13(E), of the Code of Lombard, Illinois is hereby amended to read, as follows:

~~(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.~~

(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 building located on the premises.
2. Waste containers not provided by the Village's authorized waste collection firm:
 - a. shall be located further back from the front wall of the principal building.
 - b. shall not be visible from public streets, and
 - c. shall be located within three (3) feet of the exterior wall of any 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.

SECTION 2: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014

Passed on second reading this ____ day of _____, 2014.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2014.

Sharon Kuderna, Village Clerk