



## Request to amend Municipal Code 5.08.010 (F)

1 message

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Tue, Mar 21, 2023 at 1:02 PM

To: Bob Nelson <rbnelson@slpmn.org>, Lisa Dircks <ldircks@slpmn.org>, Barbara Goodboe-Bisschoff <bbisschoff@slpmn.org>, April Moran <amoran@slpmn.org>, Ken Wendling <kwendling@slpmn.org>

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Mayor Nelson and Spring Lake Park City Council Members,

I am writing to request your consideration in amending Municipal Code 5.08.010 to remove Section F. This section of the Municipal Code dates back to 1992, but was not enforced for existing properties until the last few years. Section F of the code requires owners of all commercial, industrial, and residential properties with three or more units to provide a trash enclosure on the property in accordance to the attached specifications. I received bids from 3 general contractors in 2021 ranging from \$11,300-\$23,885 to construct an enclosure according to these specifications. The low bid was due to getting permission to use an existing concrete pad next to the building, reducing the cost approximately \$7,000.

Municipal Code 5.08.010 (F) does not take into consideration the property value, use of the property, visibility from public property, available space on the property for the enclosure or the ability to effectively use the enclosure during winter months. I am the property manager of an industrial building constructed in 1967 with annual property taxes of \$2,864 in 2021. We were required to construct a trash enclosure costing \$11,300 on the property, which is equivalent to approximately 4 years of property taxes. The trash enclosure is the rear of the building, not visible to the public and is only accessible via private drive lanes.

In addition to the financial hardship imposed on the property owner to construct the trash enclosure, the city's code enforcement department has routinely issued Administrative Citations and assess fines for trash dumpsters located outside the trash enclosure. Walter Morris with Spring Lake Park's Code Enforcement inspected the property I manage on December 27, 2022 and issued Administrative Citations for dumpsters out of the enclosure and storage of junk/debris with fines totaling \$150. I was given until 01/09/23 to correct the nuisance violations or fines doubled. Attached are pictures Walter Morris provided me to justify these fines. Please note that the dumpsters are on casters wheels and need to be rolled in and out of the enclosure to be emptied by the trash hauler. I attempted to talk with Walter Morris to let him know that the dumpsters cannot be rolled in and out of the enclosure due to the extreme snow, ice and thaw/freeze events we have had this winter, but he notified me that these winter conditions are not an excuse for not having the dumpsters in the enclosure. We have incurred \$1,867 of additional snow removal and salt expenses this winter in an attempt to get the trash enclosure clear of snow and ice so the dumpsters could be moved in and out. As of February 28, 2023 the Administrative Citation fines assessed to the property for dumpsters outside of the enclosure have increased to \$800 for the period of December 27, 2022-February 28, 2023.

Finally, Municipal Code 5.08.010 (F) states that the owner of all commercial, industrial and residential/rental properties with three or more units shall provide an enclosure for dumpster. The building official, Jeff Baker, confirmed that the permit for our dumpster enclosure was closed on August 8, 2022 and we have met the code requirement to provide an enclosure. Section E of 5.08.010 addresses container location and timing for residential dwellings, but there is nothing written in the Municipal Code that requires dumpsters on non-residential properties to be within an enclosure at all times. I asked building official Jeff Baker to provide me the specific code requiring dumpsters on non-residential properties to be inside a trash enclosure at all times. Jeff Baker's response was, "The City of Spring Lake Park interprets SLPC: 5.08.010 F(1), As an accessory structure that encloses a dumpster. A dumpster outside of the structure is not considered enclosed." Please note that he stated the city interprets that they should be in an enclosure, but there is nothing in the municipal code that requires dumpsters to be located within an enclosure at all times. Therefore, the city's code enforcement department has been issuing administrative citations and assessing fines on property owners based on an interpretation of city code and not on actual city code.

Thank you in advance for your time and consideration of amending Municipal Code 5.08.010 to remove Section F.

Sincerely,

**Rebekah Buck | Property Manager**

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**7 attachments**

- SLP Dumpster Enclosure Specifications.pdf**  
226 KB
- IMG\_2288.JPG**  
3.1 MB
- IMG\_2289.JPG**  
4.4 MB
- IMG\_2290 (3).JPG**  
3.8 MB
- IMG\_2217.JPG**  
3.1 MB
- IMG\_2216.JPG**  
2.9 MB
- IMG\_2215.JPG**  
4.4 MB