



Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: March 27, 2023
Subject: Review SLPC 05.08.010(F)

The City Council received a request from Rebekah Buck to amend SLPC 05.08.010 to remove Section F requiring dumpster enclosures within the City. I have included her email with this memorandum. Ms. Buck, Property Manager at Suntide Commercial Realty, manages the property located at 8409-8421 Center Drive NE.

SLPC 05.08.010 (F) reads as follows:

F. Dumpster Enclosures Required.

1. The owners or responsible parties of all commercial, industrial, and residential/rental properties with three or more units within the city having a dumpster for the containment of garbage, rubbish or recyclables shall provide an enclosure for that dumpster.
2. The construction and location of the enclosure referenced above shall be approved by the City Building Official. The dumpster enclosure shall be constructed of concrete block for all commercial and residential rental properties. The dumpster enclosure may be constructed of an approved composite wood with a minimum-three-quarter-inch thickness for all residential rental properties housing up to eight units.
3. All owners of existing properties defined in Paragraph F,1 shall be required to come into compliance with these regulations no later than December 31, 1992.

The original language requiring dumpster enclosures was adopted under Ordinance 277 on May 18, 1992. The requirement for a concrete block construction was approved by Ordinance 325 on July 5, 2000. An option to allow a dumpster enclosure constructed of composite wood with a minimum thickness of $\frac{3}{4}$ inch for residential rental properties with 8 units or less was approved under Ordinance 380 on October 1, 2012. The City Council reaffirmed the current language when the City Council updated the solid waste ordinance in 2017 (Ordinance 437).

The intent of the ordinance was to minimize the visibility of trash and debris in the City. Over the past thirty years, many of our commercial properties have been brought into compliance with this provision.

Our Code Enforcement staff has obtained dumpster enclosure requirements from our neighboring cities. Our current code requirements are on par with our neighboring cities.

The dumpster enclosure on this property was constructed in 2021. It is sized to fit 2 – 6 yard dumpsters. The tenants have more dumpsters than can be held in the enclosure. Currently, the dumpsters are placed in the enclosure sideways to fit the additional dumpsters. The garbage haulers will not pull them out in this arrangement, which is leading to the issue of the dumpsters being left out. Fire Code also prohibits the dumpsters from being stored in a non-sprinkled building due to fire load concerns.

Ms. Buck expressed her opinion that the Code does not specifically require dumpsters on non-residential properties to be inside a trash enclosure at all times. Staff understands that the dumpsters may need to be removed from the dumpster enclosure on garbage day. As such, Staff is not enforcing this requirement on garbage days. The enforcement action is happening several days after garbage day. The property owner, property manager or tenants are not placing the dumpsters back into the dumpster enclosure, resulting in enforcement action.

Staff has done significant enforcement work on dumpster enclosures. The vast majority of commercial properties within the City have a dumpster enclosure. Code Enforcement is working to bring the remaining properties into compliance.

In discussing this issue with Councilmember Dircks, she asked that we consider the following questions during our discussion:

- Do we feel that there is a community benefit to removing this section of the code?
- Is there a need to clarify this section of Code so that is more understandable to the average person?
- What is the best way to address this business owner's concern and bring the property into compliance with our Code of Ordinances?

Building Official Jeff Baker will be in attendance at the work session to answer any questions the City Council may have.

If you have any questions, please do not hesitate to contact me at 763-784-6491.