Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel

City of
LEMOORE
CALIFORNIA

Redevelopment Division

119 Fox Street
Lemoore • CA 93245
Phone • (559) 924-6701
FAX • (559) 924-9003

Staff Report

ITEM NO. 4

To: **Lemoore City Council**

From: **Judy Holwell, Redevelopment Project Manager**

Date: **October 25, 2011**

Subject: **Ordinance 2011-06 Amendment to the Lemoore Municipal Code regarding the Proper Storage of Refuse Containers**

Discussion

Recently, Council Member Gordon was approached by one of his constituents about a notice he had received regarding the improper placement of his refuse containers. An item was placed on the October 18 Study Session and staff presented Council with information regarding the proper storage of such containers, the current Municipal Code language, Code Enforcement notices and violations, side yard setbacks, and the like. Pictures were displayed showing the various storage placement of refuse containers throughout the community – some met the Code's requirements and some failed greatly.

Staff provided several options such as keeping our current Code in place to relaxing the containment requirement. Council agreed that the Code should be relaxed to allow our residents more latitude in where they store their refuse containers, but continue to ensure that neighborhood aesthetics are protected. Specifically, the following two options, which were listed in the PowerPoint presentation, received Council's support:

4. Change Municipal Code to allow **screened** containers in the front and side yards

5. Change Municipal Code to allow **unscreened** containers behind the front elevation, adjacent to & in-line with the home

Staff was directed to come back at a future Council meeting with proposed language to amend the Municipal Code accordingly. Below are proposed changes which should reflect the direction provided by Council:

TITLE 4 – CHAPTER 1 – GARBAGE AND REFUSE

4-1-2: DEFINITIONS:

Propose adding the following new definition:

CONTAINER: Any city provided refuse, recyclables, or greenwaste carts or other receptacle. When referring to the storage of such carts, the term "container" refers to all of the aforementioned carts.

4-4-3: PROPERTY STANDARDS:

Unless expressly allowed by the zoning regulations, it is unlawful for any landowner or person leasing, occupying or having charge or possession of any real property in the city to keep, maintain, deposit or perform on such property any of the following and existence of any of the following is hereby declared a public nuisance:

~~J. City provided garbage cans or other trash receptacles stored within the front yard or on street, except when placed in locations of collection at times of collection, not extending more than twenty four (24) hours. Any other garbage cans or receptacles visible from the street.~~

J. City-provided refuse containers or other receptacles stored in front of the front elevation of the building structure (front yard), unless screened; stored behind the front elevation of the building structure (side yards), unless screened or stored adjacent to the building structure and placed so that only one can is directly visible; or on the street, except when placed in locations of collection at times of collection. Containers may be placed for collection up to twenty-four (24) hours prior to collection and must be properly stored on the same day as collection is made, as described in section 4-1-4C.

4-1-4: REFUSE STORAGE REGULATIONS:

A. Use Of Containers Required: Every owner, tenant, lessee, occupant or other person in possession, charge or control of any place in or from which refuse is created, accumulated or produced, shall use~~, and at all times keep in a suitable place,~~ city provided refuse containers capable of holding all refuse which would ordinarily accumulate on such premises between the times of successive collections.

It shall be the duty of each occupant to place in such refuse containers all refuse created or accumulated upon the premises occupied by him or her between times for the removal of the refuse.

B. ~~Storage And~~ Container Specifications: Said refuse containers shall be city automated refuse carts, and the loaded weight of each such cart shall not exceed the maximum amount that is written on the cart lid. When approved by the director of public works, containers as described in section 4-1-2 of this chapter for "containerized service" may be provided by the customer.

C. Placement Of Containers:

1. ~~The refuse containers shall be located at the curbside or other location designated by the department of public works, where they are readily accessible for emptying the same, but shall not be placed in any place so as to constitute a nuisance.~~

2. ~~In areas of the city where refuse is required to be picked up at a front or side yard or alley location, all containers shall be placed at a location specified by the public works director not later than five o'clock (5:00) A.M. on the day of collection and all such containers shall be removed from public view on the same day as collection is made.~~

Recommended Replacement Language for No. 1 & 2 above:

1. Placement during times of collection: Refuse containers shall be located at the curbside or other location designated by the public works director, where they are readily accessible for emptying, up to twenty-four (24) hours prior to collection, but not later than five o'clock (5:00) A.M. on the day of collection.

2. Storage of Containers: Other than times of collection, as described in section 4-1-4C-1, refuse containers, and any other receptacles, must be properly stored on the same day as collection is made by using any of the following methods:

   a. Back yard, behind fence, or

   b. Front yard, if screened from direct view from street, or

   c. Side yard, if screened from direct view, or adjacent to the main building structure and placed in a manner that only one can is directly visible, or

   d. Alley, adjacent to fence or building structure (removed from designated pick-up area).

Attached is Ordinance No. 2011-06, which includes the proposed language listed above. It is recommended that Council, by motion, waive the first reading and pass it to a second reading.

Budget Impact

Estimated impact is less than $1,000 to codify the new Municipal Code language.

Recommendation

That City Council, by motion, waive the first reading of Ordinance No. 2011-06 and pass it to a second reading.