

To: Mayor and Members of the Ames City Council

Cc: Shawn Bayouth, Fire Chief
Diane Voss, City Clerk

From: Seana Perkins, Building Official

Subject: Curbside Garbage Container Options

At the Neighborhood Summit on October 21, 2014, City Council requested a memo from the Building Official regarding enforcement options for properties that are leaving their garbage containers at the curb all week.

Background

Section 13.410 of the Ames Municipal Code states that:

*Every occupant of a structure shall dispose of refuse, garbage, and other organic waste in a clean and sanitary manner, by placing it in disposal facilities or storage containers, and by re-closing or replacing container lids. **It is the occupant's responsibility to move containers to and from the curb when curbside service is contracted, within 24 hours.** Occupants are required to make special arrangement to have removed within 48 hours any items which will not be picked up by regular contracted service.*

The above Code section resides in Chapter 13, the Rental Housing Code. There are no other sections of the Ames Municipal Code that address the length of time a property owner may leave their garbage container at the curb, when it is an approved container. **For this reason, staff is only able to regulate the placement of approved garbage containers on rental properties.**

Presently, the Inspection Division enforces violations on a complaint-only basis. When a complaint regarding the placement of a garbage container is received, staff confirms that the property is a registered rental. If the property is a rental property, a door hanger is placed on the door that educates the occupant of the Code section and gives them a date for compliance. If the occupant has not complied by the required date on the door hanger, we will work with the property manager to attempt to gain compliance. If compliance is still not achieved we will begin the enforcement process. Ames Municipal Code Section 5.501 provides the authority to issue a Municipal Infraction Citation to the occupant(s) at \$500 for the first offense, \$750 for the second offense and \$1,000 for the third offense.

Research Regarding How Other Cities Handle This Issue

Staff has contacted Des Moines, Cedar Falls, Cedar Rapids and Iowa City and have found that these cities do not make a distinction between rental and non-rental properties. In other words, their regulations regarding this issue cover all properties within the city. The research also indicates that all of these cities utilize door hangers as the primary tool for compliance. Some of the larger cities go straight to citations when the door hangers do not work. The City of Cedar Falls has their own waste haulers, so all of the containers are owned by the City. If a customer is in violation, they can contact the person responsible for the garbage container and educate them about the requirements. All of the cities contacted (Des Moines, Cedar Falls, Cedar Rapids, Iowa City) enforce on a complaint-only basis.

The Municipal Codes for Des Moines, Cedar Falls, Cedar Rapids and Iowa City were also reviewed to determine if those jurisdictions include a unique solution in their Codes that differ from the City of Ames that we might utilize to gain compliance. The primary difference in the Codes, with the exception of Des Moines, is the use of a specific time of day that the garbage container can be located at the curb and a specific time of day that the garbage container must be removed from the curb. Des Moines has a similar standard to the City of Ames, but rather than 24 hours total, they utilize 12 hours prior to pick-up and 12 hours after the scheduled pick-up to remove the container from the curb.

Who Should Be Cited?

Inspections staff have worked with the Legal Department to determine who should receive the Municipal Infraction Citation. There is an assumption that the property owner is ultimately responsible for compliance, however since Ames Municipal Code Section 13.410 specifically cites the “occupant”, it has been determined that it is the occupant(s) of the structure that is responsible to move the garbage container from the curb and who would receive the Municipal Infraction Citation when one is issued.

Are There Other City Enforcement Techniques In Place That Might Work?

City staff has reviewed other City processes to determine if there is an existing enforcement program that might work for garbage containers.

Signage: The Inspection Division regularly receives complaints of signage in the rights-of-way. When a complaint is received, we confirm that the sign is located in the right-of-way and acquire the contact information. We call the number on the sign and give the company three (3) business days to have the sign removed from the right-of-way. A re-inspection is scheduled after three business days. If the sign is still placed within the right-of-way, we document the location with a photo and remove it. We then contact the business to let them know that we have removed their sign and that they have three days to pick up their sign. If they have not picked the sign up, the sign is disposed. **We could create a similar process by removing the garbage containers from the right-of-way and work on a solution with the garbage haulers for disposal if the garbage container is not picked up.**

Noxious Weeds: The Inspection Division receives complaints regarding the presence of noxious weeds within the City of Ames. Similar to the signage process above, Inspections staff confirms the presence of noxious weeds and sends a letter to the property owner asking for the noxious weeds to be removed. If the weeds have not been removed within two weeks, a second letter will be mailed. If another two weeks pass without compliance then a third letter is mailed by certified mail giving the property owner one additional week for compliance. If the weeds are still present after the week, the weeds are abated and the cost of the abatement is assessed to the property owner. **A process similar to this could be created where the property owner is responsible and the abatement is to have City staff move the receptacle to an approved location on the property.**

Snow Removal: Public Works handles complaints about snow on sidewalks. In this process, Public Works determines if the property is a rental. If it is a rental property, they will send the property owner an email stating that the sidewalk must be cleared within 24 hours. If the sidewalk is not cleared within that timeframe, the City contracts with a company to remove the snow and sends an invoice for the cost of the work to the property owner for payment.

Options

The City Council requested options for the enforcement of the garbage containers left at the curb in excess of 24 hours. The following are some of the available options:

1. Continue to provide enforcement through education with the use of door hangers and communication directly with the occupant(s) and the property owner/property manager. If the door hanger is ignored, a \$500 Municipal Infraction Citation would be issued to each of the occupants as allowed within the Ames Municipal Code.
2. Create an abatement process such as the following:
 - a.) Abatement that is similar to our existing process of removing signage in the right-of-way. If the educational door hanger is ignored, we would remove the garbage container and hold onto it for a number of days until the occupant picks it up or we dispose of it by creating a process with the waste haulers.
 - b.) Abatement that is similar to the noxious weed process. If the educational door hanger is ignored, we would move the garbage container to an approved location on the property and the staff time for the abatement would be assessed to the property owner.
 - c.) Abatement that is similar to the snow removal process. We would contract the abatement out to a company who will either move or remove and store the garbage containers when compliance is not obtained through education. The cost of the abatement and storage would be assessed to the property owner.