



## NORTHWEST ASSOCIATED CONSULTANTS, INC.

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### MEMORANDUM

TO: Sunfish Lake Mayor and City Council  
Sunfish Lake Planning Commission

FROM: Ryan Gritman

DATE: May 10, 2017

RE: Sunfish Lake - Trash Can Ordinance

FILE NO: 211.02

6/6/17 CC  
Mtg.

Agenda Item  
6b

### BACKGROUND

Residents of Sunfish Lake have contacted staff in the past month regarding a trash can ordinance. Currently, the Sunfish Lake zoning ordinance does not regulate the storage locations for trash cans. Staff directed the citizens to seek council input at their April 2017 meeting. The City Council has directed the Planning Commission to research the possibility of an ordinance amendment.

Attached for Reference:

Exhibit A: Proposed Ordinance Amendment

### ISSUES AND ANALYSIS

Surrounding Metro. Trash can ordinances are common among most metro suburbs. A trash can ordinance usually regulates how soon a trash receptacle can be placed out for collection; how quickly it needs to be removed from the curb; and where on the property the receptacle can be stored on non-collection days. Attached to this memo is a draft ordinance proposal for the City of Sunfish Lake.

Public-Right-of-Way. In many other communities, residents are not allowed to leave trash cans out at the curb during non-collection days simply because the cans cannot be stored in the public right-of-way. Sunfish Lake does not have public right-of-way on some streets and other streets are private. The regulation of trash cans on private streets can only be done through an ordinance amendment that regulates the storage of the cans.

Private Easement / Use of Private Easement. In some cases, when a trash can is stored along a private road, or private easement, it may be a violation of the conditions of the private easement. In this case, the trash can storage could be considered a private matter between the users of the private easement.

Enforcement. The issue with passing an ordinance such as this is enforcement. To enforce an ordinance such as this it takes immediate response from Staff when a complaint is filed with the City. Sunfish Lake does not have staff on hand to respond to a complaint regarding trash cans. Staff can only take measures reactively with a notice in the mail requesting compliance.

Comprehensive Plan. The Comprehensive Plan outlines “Plan Policies” for the City of Sunfish Lake. The following policies would support an ordinance amendment:

*To protect and maintain the natural environment resources throughout the community.*

*Protect residential development from adverse environmental impacts, including noise, air and visual pollution.*

This policy is aimed at maintaining the natural look and feel within the City to make the City a desirable place to live. This policy can be interpreted as encouraging residents to store trash cans (and other items) within a building.

## **CONCLUSION**

The Planning Commission should consider the effects that an ordinance amendment such as this can take. There are reasons that both support and ordinance amendment, and reasons that support no change. The Commission has three options in this case:

Recommend Approval. If the Planning Commission feels that the ordinance amendment is in harmony with the City’s Comprehensive Plan, the commission should recommend approval of the ordinance amendment.

Recommend Denial. If the Planning Commission recommends denial of the ordinance amendment, the following reasons can be contributing factors:

1. The ordinance amendment is not enforceable due to the lack of Staff employed by the City.
2. Items are already prohibited from being stored in the public right-of-way, and no amendment is necessary.

3. Private easements and their agreements should already prohibit trash cans from being placed near where others can see them.

Table Action. The Planning Commission may decide to table the issue due to questions raised at the public hearing.

c: Cathy Iago, City Clerk  
Mike Andrejka, City Building Official  
Don Sterna and Eric Eckman, City Engineer  
Jim Naves, City Forester  
Tim Kuntz, City Attorney  
Ron Wasmund, City Septic Inspector  
Dave Dreelan, Fire Chief

**CITY OF SUNFISH LAKE  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 2017-\_\_**

**AN ORDINANCE AMENDING THE SUNFISH LAKE CITY CODE ARTICLE XII  
(ZONING REGULATIONS), TO ESTABLISH REGULATIONS OF THE PLACEMENT  
AND STORAGE OF REFUSE CONTAINERS**

**THE CITY COUNCIL OF SUNFISH LAKE DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Section 1216 General Building and Performance Requirements, (Zoning Regulations) shall be amended to add the following:

**1216. GENERAL BUILDING AND PERFORMANCE REQUIREMENTS  
SECTION 1216.11 REFUSE:**

- A. Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse including car parts on any premises which has remained thereon for more than one (1) week is hereby declared to be a nuisance and may be abated by order of the City Council, as provided by Minnesota Statutes and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.
- B. When awaiting collection, all garbage and rubbish must be properly placed in a container (including all loose contents), stored in the front yard, driveway, or public boulevard (behind the curb, not in the street) as follows:

  - 1. Containers may be set out no sooner than one day prior to collection day.
  - 2. Containers (and any material not picked up by the garbage hauler) must be removed from the front yard, driveway or public boulevard by the end of the collection day.
- C. When not awaiting collection, garbage and rubbish must be properly stored in containers that are kept in rear yards, in accessory buildings or in garages. Containers may only be stored in a side yard if the setback of the home is at least fifty (50) feet from the curb and they are stored behind the front building line of the home. If the setback of the home is not fifty (50) feet from the curb, then the containers may only be stored in a side yard if they are screened by a hedge or enclosure so that they are not in immediate view of the public street.

**Section 2.** This Ordinance shall be in full force and effective from and after its passage and publication according to law.

ADOPTED this 6<sup>th</sup> day of June 2017 by the City Council of Sunfish Lake.

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Richard Williams, Mayor

ATTEST:

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Catherine Iago, City Clerk