

REQUEST FOR COUNCIL ACTION

Date: 04/13/09

Item No.: 13.a

Department Approval

Acting City Manager Approval



Item Description: Discussion of Amendments to Title 4 of the City Code Regarding Yard Requirements and Regulation of Residential Composting

1.0 BACKGROUND

1.1 Chapter 407 of the Roseville City Code regulates nuisances within the City. Section 407.02 regulates nuisances affecting the health, safety, comfort, or repose of residents. The following report describes two recommended clarifications to Section 407.02 related to yard vegetation and compost bins and the addition of a new chapter to more fully detail regulations on residential compost bins.

1.2 Permanent Yard Vegetation: Currently, the City of Roseville does not have an ordinance requiring property owners to maintain vegetation within the yard area of their properties. Section 407.02 sets forward a standard for weed control through 407.02(C), which includes regulations for grass height, but is silent with respect to permanent yard vegetation. The City does have an erosion control and sedimentation ordinance (Chapter 1017), which requires development of an erosion and sedimentation control plan that addresses seventeen required elements, including the establishment of permanent vegetation. However, this ordinance is only applicable to projects that will be disturbing more than 10,000 square feet of land. Without an ordinance requiring permanent yard vegetation, the City cannot cite property owners with bare dirt yards. Attachment A includes proposed ordinance language that would require properties to have yard vegetation.

1.3 Compost Bins: In 1991, the City Council approved an ordinance allowing for backyard composting (Section 407.02(F)) in an effort reduce the amount of biodegradable waste entering landfills. However, the ordinance that was adopted has proved too vague and is not readily enforceable as a nuisance violation. Attachment A includes a proposed revision to Section 407.02(F) and the creation of Chapter 409: Residential Composting, to clarify composting regulations.

2.0 POLICY OBJECTIVE

2.1 Both proposed ordinance amendments more clearly set forward expectations for property owners and allows City staff to have unambiguous rules to enforce.

3.0 BUDGET IMPLICATIONS

3.1 The proposed amendments are not expected have an impact on the City's budget.

30 **4.0 STAFF RECOMMENDATION**

31 4.1 Staff recommends that the City Council discuss the proposed code amendments. Based
32 on the discussion, staff will revise draft language in Attachment A and bring it back to
33 the City Council through the formal adoption process.

34 **5.0 REQUESTED COUNCIL ACTION**

35 5.1 Discuss the proposed amendments to Title 4 of the City Code and provide staff with
36 direction on these revisions.

Prepared by: Jamie Radel, Community Development

Attachments: A: Draft City Ordinance Amendment
B. Draft Ordinance Summary

City of Roseville
ORDINANCE NO. XXXXX

AN ORDINANCE
AMENDING TITLE 4, SECTION 407.02
NUISANCES AFFECTING HEALTH, SAFETY,
COMFORT OR REPOSE
AND ADDING CHAPTER 409
RESIDENTIAL COMPOSTING

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 4, Section 407.02 and Chapter 409 of the Roseville City Code are amended to read as follows:

407.02: NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE:

F. Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements of Section 409. (Ord. 1092, 6-10-91, amended 00-00-2009)

R. Yard Cover: The yard area of a lot shall be covered by a lawn and/or a ground cover of vegetation, gardens, hedges, and shrubbery, and shall be maintained as set forward in Section 407.02(C). (Ord. XXXX, XX-XX-2009)

CHAPTER 409: RESIDENTIAL COMPOSTING

SECTIONS:

409.01: Definitions

409.02: Compost Containers

409.03: Location on Property

409.04: Compost Materials

409.05: Maintenance

409.06: Abatement

409.01: DEFINITIONS:

COMPOSTING: A microbial process that converts plant materials to a usable organic soil amendment or mulch.

409.02: COMPOST CONTAINERS:

Composting shall be conducted within an enclosed container(s) not to exceed five feet in width, height or depth. There shall be no more than two composting containers per lot. Containers shall be constructed of a durable material; including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit that will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.

1 **409.03: LOCATION ON PROPERTY:**

2 Compost container(s) shall be located in the rear yard no closer than one foot to any rear
3 or side property line and no closer than twenty feet to any habitable building other than
4 the resident's own home.

5 **409.04: COMPOST MATERIALS:**

6 Materials such as grass clippings, leaves, weeds that have not gone to seed, non-diseased
7 plants, plant trimmings less than one-fourth inch in diameter, straw, sawdust, fruit or
8 vegetable scraps, faded flowers, lake plants, coffee grounds, eggshells, and commercially
9 available compost ingredients may be placed in compost container(s). Materials such as
10 meat, bones, fat, oils, grease, dairy products, plant trimmings greater than one-fourth inch
11 in diameter, diseased plants, feces, plastics or synthetic fibers shall not be placed in
12 compost container(s).

13 **409.05: MAINTENANCE:**

14 Compost materials shall be layered, aerated, moistened, turned and managed to promote
15 effective decomposition of the materials in a safe, secure and sanitary manner.

16 **409.06: ABATEMENT:**

17 All compost containers and/or compost materials not in compliance with this section shall
18 be declared a nuisance and are subject to abatement as provided in Chapter 407 of this
19 Code.

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21 SECTION 2: Effective date. This ordinance shall take effect upon its passage and
22 publication.

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24 Passed by the City Council of the City of Roseville this ____ day of _____ 2009.
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(SEAL)

CITY OF ROSEVILLE

BY: _____
Craig D. Klausing, Mayor

ATTEST:

William J. Malinen, City Manager

City of Roseville

ORDINANCE SUMMARY NO. ____

**An Ordinance Summary Relating to
Amendments to Title 4 of the City Code Regarding
Yard Vegetation Requirements and
Residential Composting Regulation**

The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on April 13, 2009:

The Roseville City Code is amended by establishing a requirement for yard vegetation and more specific regulations for residential composting.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
William J. Malinen, City Manager