

REQUEST FOR COUNCIL ACTION

Date: 07/13/2009

Item No.: 9.a

Department Approval

City Manager Approval



Item Description: Adopt Ordinance to Amend 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 Staff brought draft language for the City Council to review at the April 13, 2009, and the June 8, 2009 City Council meetings. See Attachments A and B to review the meeting minutes.)

1.3 At the June 8, 2009 meeting, Council members requested further refinement to the composting language and asked that staff work with Dr. Carl J. Rosen, who is a Roseville resident and professor/soil scientist at the University of Minnesota and during a statement at the meeting volunteered to work with staff on further revisions to the proposed code.

1.3 Since the June 8 meeting, staff has refined the language of the composting ordinance and coordinated with Dr. Rosen. Changes to the ordinance focus on the number of compost containers per lot and now would allow for up to two containers on lots 10,000 square feet or less in area and three compost containers on residential lots larger than 10,000 square feet in area. (See Attachment C to review the revised language.) Staff did coordinate the revisions with Dr. Rosen and provided him with proposed changes to the language. Attachment D is a record of this correspondence and Dr. Rosen's reply.

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.

26 **4.0 STAFF RECOMMENDATION**

27 4.1 Staff recommends that the City Council pass an ordinance adopting the draft nuisance
28 code language. Without an ordinances requiring permanent yard vegetation and
29 composting specifics, the City cannot cite property owners with bare dirt yards or non-
30 compliant composting.

31 **5.0 REQUESTED COUNCIL ACTION**

32 5.1 Adopt an ordinance amending Title 4, Chapter 407 of the Roseville City Code and adding
33 Chapter 409.

34 5.2 By motion, approve the ordinance summery describing the amendments to Title 4 of the
35 City Code, for official publication.

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Prepared by: Jamie Radel, Community Development

Attachments: A: Extract of Meeting Minutes from the April 13, 2009 City Council Meeting
B: Extract of Meeting Minutes from the June 8, 2009 City Council Meeting
C: Draft Ordinance Revising Title 4, Chapter 407 and of the Roseville City Code and Adding
Chapter 409.
D: Correspondence between Tim Pratt and Dr. Carl Rosen
E: Draft Ordinance Summary

Extract of Meeting Minutes from the April 13, 2009 City Council Meeting

Discuss Amendments to the City Nuisance Code regarding Residential Composting

Economic Development Associate Jamie Radel summarized the Request for Council Action dated April 13, 2009, discussing several amendments to Title 4 of City Code related to yard requirements and regulation of residential composting. A draft ordinance was included in the report addressing those areas of current ordinance that were too vague and not readily enforceable.

Councilmember Pust opined that it sounded reasonable to provide further direction; however, expressed concern in language related to yard cover, when the City was encouraging more environmentally-friendly use of water, and the need to consider other landscaping beyond traditional sod.

Ms. Radel noted several options for environmentally-friendly yards that would minimize water usage; and suggested staff further broaden vegetation language.

Councilmember Roe spoke in support of more detailed explanations in ordinance; and suggested addition of an explanation for yard cover and expansion of other qualified options as well; encouragement of storm water management on site; and definition of what is and is not acceptable.

Mayor Klausing noted that some homes in Roseville (e.g., on Dale Street north of Larpenteur) were naturally wooded; and that those needed to be addressed as naturalistic yards.

City Attorney Anderson noted that "vegetation" was a very broad term and provide substantial leeway for property owners, as long as ground cover was alive, and not "Astroturf."

Mayor Klausing noted concerns with composting language and the comprehensive list, suggesting that "faded flowers" be removed; and the material list be further defined.

Ms. Radel advised staff had drafted proposed revisions based on their review of similar ordinances in the Cities of Minneapolis and St. Paul, but that staff would review language further and more specifically.

Councilmember Ihlan suggested that another approach would be to specify materials that would not be allowed for yard cover; while addressing pervious and impervious materials. Councilmember Ihlan opined that she had no major concerns with the general language; further opining that she didn't want to require people to have lawns as long as their options were aesthetically pleasing. Councilmember Ihlan addressed enforcement issues for such a specific list of compost materials and their diameters, suggesting that guidelines be provided, rather than enforceable language.

Mayor Klausing suggested that the intent in providing a diameter of no more than ¼ inch for compost materials was to avoid fallen trees in compost materials.

City Attorney Anderson concurred; and noted that enforcement with a nuisance code was always an issue; however, if language was changed to guidelines, there would be no way to enforce it at all, and then a nuisance code would not be the appropriate place.

Mayor Klausing spoke in support of language enforceable to avoid people putting general garbage or other non-compostable materials in their compost areas.

City Attorney Anderson noted that this gets to the terms of a list of materials not allowed; items that give rise to effervescence in the air; and basically get enforced when neighbors complain. City Attorney Anderson noted that this allows for a definitive nature as staff reviews each specific situation and can then respond to those complaints.

Councilmember Ihlan requested that staff seek additional expertise from green gardening promoters and how this suggested language fits into composting practices.

Ms. Radel advised that she and Recycling Coordinator Tim Pratt would seek additional information.

On a related note, Ms. Radel advised that composting bins would be available in May at City Hall during regular business hours at a cost of \$35 each.

Councilmember Roe reminded residents that the City's Clean-Up Day was scheduled for Saturday, April 25, 2009.

Extract of Meeting Minutes from the June 8, 2009 City Council Meeting

Discuss an Ordinance to Roseville City Code, amending Title 4 related to Yard Requirements and Regulation of Residential Composting

Community Development Director Patrick Trudgeon addressed the proposed ordinance amendments to City Code, Title 4, related to yard cover requirements. Mr. Trudgeon provided clarification of yard cover options for those residents not having natural turf grass, but having natural landscaping (i.e., prairie grasses) or wooded areas on their properties. Mr. Trudgeon advised that staff was recommending clarifying language indicating no bare soil and groundcover requirements.

Councilmember Ihlan presented several hypothetical scenarios to test the proposed language; which were addressed by staff, including combining bare soil and weeds; landscape rock versus piled gravel; and definition of noxious weeds as addressed by other state and federal agency definitions.

Discussion included the intent for groundcover reducing erosion; and impervious surface requirements.

City Attorney Anderson noted combinations for vegetation and landscaping and standard interpretation of State Statute.

Recycling Coordinator Tim Pratt

Mr. Pratt addressed the proposed language amendment related to residential composting; and reduced specificity for composting as previously addressed by the City Council; while still allowing staff to enforce code violations. Mr. Pratt address some specific issues staff had encountered in the past (i.e., accumulation of brush piles or unconfined compost materials); need for education of residents in composting allowing for managed decomposition of materials, to not allow residents to suggest that bush piles or debris piles were "compost materials" when there was no indication that they were being managed as such. Mr. Pratt advised that the current language was based on the best elements of the City of Minneapolis code (from 1990) and that of the City of St. Paul (from 1994); with removal of more limiting language (i.e., description of materials removed).

Discussion included code enforcement issues encountered by staff to-date; and uncovered and unmanaged materials in backyards causing detrimental impacts for the neighborhood (e.g., odors and rodents).

Carl J. Rosen, Ph.D., University of Minnesota Professor and Extension Soil Scientist/Horticultural Crops; Primary author of composting bulletin and a Roseville resident

Mr. Rosen addressed the positives and negatives of the proposed language amendments recognizing staff's intent to regulate nuisances; however, Mr. Rosen opined that the proposed

language may serve to discourage residents from yard composting, and ultimately serve as a setback for addressing sustainable yard waste throughout the City. Mr. Rosen opined that proposed language was too restrictive, making it difficult for some to compost on-site, requiring them to compost off-site and discourage their efforts.

Mr. Rosen addressed specific concerns in Section 409.02 of the proposed ordinance, noting that lot sizes in Roseville were larger than those of Minneapolis and St. Paul, creating more yard waste than could be accommodated in two 5 x 5 bins, inclusive of his own yard, and specifically during the fall of the year until those leaves had deteriorated sufficiently. Mr. Rosen noted smaller containers, containing mostly kitchen scraps, actually attracting rodents and causing damage to the vessel itself.

Mr. Rosen further addressed specific concerns in Section 409.06 related to management of compost piles; noting that some may be unable to comply (i.e., elderly residents) with restrictions; and noted that there were many ways to manage a compost pile without repeated turning.

Mr. Rosen opined that there were ways to regulate nuisances, and a process needed to be in place; however, he opined that he was not confident that this proposed language was the best way to do so.

Councilmember Johnson thanked Mr. Rosen for attending tonight's meeting; and opined that he had excellent points for further discussion, but sought how Mr. Rosen would draw a distinction between those abusing current ordinance and those making a bone fide effort at backyard composting; and asked if Mr. Rosen was available to assist staff in further refinement.

Mr. Rosen recognized the difficulties in that distinction and the different degrees of composting materials; and volunteered his time and expertise to staff in resolving existing issues.

Discussion included need for enclosures or restrictions on compost materials; and the need for a flexible process in managing micro-organisms.

Councilmembers requested that staff and Mr. Rosen consult to resolve remaining issues and to provide a more flexible process, while allowing for regulatory prevention of nuisances that are not qualified as composting and modifying language to accommodate those who are attempting compliance and sustainable efforts.

City of Roseville
ORDINANCE NO. XXXXX

AN ORDINANCE
AMENDING TITLE 4, Chapter 407
HEALTH AND SANITATION AND
ADDING CHAPTER 409
RESIDENTIAL COMPOSTING

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 4, Chapter 407 and Chapter 409 of the Roseville City Code are amended to read as follows:

407.01: DEFINITIONS:

GROUND COVER: Vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion

NATURAL AREAS: Natural, restored, or recreated woodlands, savannahs, prairies, meadows, bogs, marshes, and lake shores

NATURAL LANDSCAPING: Planned landscaping designed to replicate a locally native plant community by using a mix of plants, shrubs, and trees native to the area.

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

C. Weeds: All noxious weeds are prohibited. Tall Grasses, nuisance weeds and rank vegetative growth shall be maintained at a height of eight inches or less in locations closer than 40 feet to:

1. An occupied principal structure;
2. Any property line with an occupied structure on abutting property; and
3. A public road pavement edge.

This section shall not apply to:

1. Natural areas, ~~such as woods, bogs, marshes, ground covers, wildflower or prairie restoration~~ and public open space or park lands, as determined by the city forester or naturalist designated by the city manager. (Ord. 1136, 2-28-1994; Amd. XX-XX-XXXX)

2. Yard areas with natural landscaping that follow the City Park Department policy for natural landscaping (Ord. XXXX, X-XX-XXXX)

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 not be bare soil, shall be covered by a groundcover and shall be maintained as set forward in Section 407.02(C). (Ord. XXXX, XX-XX-2009)

CHAPTER 409: RESIDENTIAL COMPOSTING

SECTION:

409.01: Definitions

409.02: Applicability

409.03: Compost Containers

409.04: Location on Property

409.05: Compost Materials

409.06: Maintenance

409.07: Abatement

409.01: DEFINITIONS

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

409.02: APPLICABILITY

Rules set forward in Chapter 409 are applicable only to parcels designated R-1 Single-Family Residential under Chapter 1004.

409.03: COMPOST CONTAINERS

Composting shall be conducted within an enclosed container(s) not to exceed five feet in length, width, or height. Lots of up to ten thousand (10,000) square feet in area may have up to two compost containers per lot and lots greater than ten thousand (10,000) square feet in area may have up to three compost containers per lot. Compost containers shall be constructed or made 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.

409.04: LOCATION ON PROPERTY

Compost container(s) shall be located in the rear yard no closer than one foot to any rear or side property line and no closer than twenty (20) feet to any habitable building, other than the resident's own home.

409.05: COMPOST MATERIALS

Material such as grass clippings, leaves, soft-bodied plant materials, straw, sawdust, fruit or vegetable scraps, flowers, lake plants, coffee grounds, eggshells, and commercially available compost ingredients may be placed in compost container(s). Material such as meat, bones, fat, oils, grease, dairy products, brush greater than one-fourth inch in diameter, human or pet waste, plastics or synthetic fibers shall not be placed in compost container(s).

409.06: MAINTENANCE

Compost materials shall be managed to minimize odor generation and to promote effective decomposition of the materials in a safe, secure and sanitary manner.

1 **409.07: ABATEMENT**

2 All compost containers and/or compost materials not in compliance with this section shall be
3 declared a nuisance and are subject to abatement as provided in Chapter 407 of this Code.
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5 SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.
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7 Passed by the City Council of the City of Roseville this 13th day of July, 2009.
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Ordinance – Title of Ordinance _____ -

(SEAL)

CITY OF ROSEVILLE

BY: _____
Craig D. Klausing, Mayor

ATTEST:

William J. Malinen, City Manager

Tim Pratt

Subject: FW: Composting Code Revisions

-----Original Message-----

From: Carl Rosen [REDACTED]
Sent: Wednesday, June 10, 2009 6:24 PM
To: Tim Pratt
Subject: Re: Composting Code Revisions

Tim:

Thanks for sending the revised version. Having an increase in the number of containers allowed for larger lots is good; although the basic problem still is that the reason for having a container required in the first place is not so much for proper composting, but to be able to declare a nuisance. I guess if that is what is absolutely needed, then I'm OK with it.

If you'd like to discuss further let me know.

Carl Rosen
Professor and Extension Soil Scientist
University of Minnesota
Department of Soil, Water, & Climate
1991 Upper Buford Circle
439 Borlaug Hall
St. Paul, MN 55108
Tel: [REDACTED]
Fax: [REDACTED]

Tim Pratt wrote:

> Dr. Rosen,
>
> I worked your changes into the attached version of the proposed code. Let me know what you think.
>
> Tim Pratt
> Recycling Coordinator
> City of Roseville
> 2660 Civic Center Drive
> Roseville, MN 55113
>
> (Phone) 651-792-7027
> (Fax) 651-792-7030
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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 July 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

Summary of Ordinance Publication Format