

Legislation Details (With Text)

File #: 2016-0225 **Name:**
Type: Other Business - Presentation **Status:** Failed
File created: 5/11/2016 **In control:** City Council - Regular Session
On agenda: 6/16/2016 **Final action:** 6/16/2016
Title: Appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV Storage - Section 86.B (Solid Waste Container Storage provision)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Notice of Violation (Combo), 2. Willis Clark 4-21-16 Appeal Letter, 3. Solid Waste Container Site Map, 4. LSCO Chapter 25 Section 25-86, 5. LSCO Chapter 25 Section 25-6, 6. NHS Case pictures 4-19-16

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------------------|--------|--------|
| 6/16/2016 | 1 | City Council - Regular Session | denied | Pass |

Appeal of Lee's Summit Code of Ordinance (LSCO) Chapter 25, Article IV Storage - Section 86.B (Solid Waste Container Storage provision)

Issue/Request:

This matter is an appeal of the application of LSCO Chapter 25, Article IV Storage, Section 86B provision pertaining to storage of solid waste containers - an existing condition generally located within the North/South alley between Jefferson and Market Streets, south of 4th Street (behind 410 SW Market Street). Mr. Willis Clark, the appellant is afforded this appeal through LSCO Chapter 25, Article I, Section 25-6 Appeals which reads ***"Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought, appeal directly to the City Council in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal"***.

Key Issues:

On April 19, 2016, after receiving an anonymous complaint regarding the storage of trash containers in the alley, a Neighborhood Services Officer inspected the property and determined a violation existed regarding the storage of trash containers in that the containers are not screened from public view from the public alley. LSCO Chapter 25, Article IV Storage, Section 86B states ***"Every occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this chapter, and shall maintain such at all times. All containers, and bulky rubbish shall be screened in such a manner that they are not visible from any street, public or private alley, roadway or parking lot except when placed in position for pickup."***

After Mr. Clark received the required Notice of Violation on April 19th, Mr. Clark researched the Code of Ordinances and chose to file a written appeal in accordance with LSCO Chapter 25, Article I, Section 25-6 on April 21, 2016 which is within the 10 days required by the appeal provision.

Mr. Clark intends on being present to share his reasons for appeal with the Council at the June 16, 2016 City Council meeting.

Proposed City Council Motion:

[Enter text here]

Background:

See Background Section above. An aerial map and pictures of the condition are attached for reference.

Impact/Analysis:

[Enter text here]

Timeline:

Start: ____

Finish: ____

Other Information/Unique Characteristics:

See attached appeal filed by Mr. Willis and Mrs. Ruth Clark

Presenter: Mark Dunning, Assistant City Manager and Mr. Willis Clark, appellant

Recommendation: If the City Council wishes to require the solid waste containers to be screened, staff will continue to work with Mr. Willis to gain compliance. If the City Council wishes to allow the condition to remain, the Council may consider one of the following options:

- grant the appeal and allow the condition to remain with no further action being taken
- consider directing staff to amend LSCO Chapter 25, Article IV, Section 25-86B by deleting the term "public or private alley" from the current language contained in the provision.

Committee Recommendation: [Enter Committee Recommendation text Here]