



Legislation Details (With Text)

**File #:** 17-291      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 9/12/2017      **In control:** City Council  
**On agenda:** 10/10/2017      **Final action:** 10/10/2017

**Title:** Communication from the City Manager and Director of Community Development Director with a Request to adopt an ORDINANCE Amending CHAPTER 13 of the CODE of the City of Peoria Pertaining to LITTER and VEGETATION.

**Sponsors:**

**Indexes:** Goal 1 - Financially Sound City, Goal 3 - Beautiful Peoria, Goal 4 - Grow Peoria, Have an efficient government., Reinvest in neighborhoods, Support sustainability

**Code sections:**

**Attachments:** 1. ORD NO 17,507, 2. Ordinance - Chapter 13 - Garbage Litter Vegetation and Inoperable Vehicles, 3. Curb clean up examples.pdf

Date	Ver.	Action By	Action	Result
10/10/2017	1	City Council	adopted	Pass
9/26/2017	1	City Council	received and filed	Pass

**ACTION REQUESTED:**

Communication from the City Manager and Director of Community Development Director with a Request to ADOPT an ORDINANCE Amending CHAPTER 13 of the CODE of the City of Peoria Pertaining to LITTER and VEGETATION.

**BACKGROUND:**

***NOTE:** Subsequent to the First Reading, a Council Member requested examples of the type of curb and gutter issues that property owners will be expected to correct per the recommended ordinance language. Attached to this memo are several photos that show typical examples of grass, weeds, and litter in the curb and gutter area.*

During the 2017 Strategic Planning Process, litter and beautification were two major issues discussed by City Council. Staff was asked to bring back ordinance changes that toughen and reinforce existing language to ensure commercial businesses are being held accountable and responsible for litter on their property. In addition, the ordinance language will be changed to shift the responsibility of maintaining certain aspect of the public right-of-way to private property owners.

Staff recommends the following changes:

- **Require all commercial businesses to sweep sidewalks, public sidewalks, curbs, and all other right-of-way immediately adjacent to their property.** If a business is leasing space, the building owner would be responsible to ensure this is occurring and would be held accountable if it is not.
- **Increase fines for litter and debris from \$50 for a first offense to \$100 for a first offense.** Citations will be issued through the current administrative Hearing Officer process. Code Enforcement has discretion when issuing citations. However, if the property has not had previous issues within the last twelve months, Code Enforcement will post an ABATE notice at the property giving the owner five

days to correct the violation. If the violation is corrected, a citation will not be issued. However, if Code Enforcement has visited the property multiple times in the last twelve months, a citation will be issued for the violation, and the citation will not be dismissed by a code enforcement inspector.

- **Adopt requirement that all business establishments selling food, beverages, or packaged food have a garbage can located within ten feet of each of their public entrances and exits.** This ordinance is modeled after a similar ordinance in Philadelphia that adopted the same requirement in 2015 based on a study from Walt Disney that found if people had to walk more than 30 feet to dispose of garbage, they were likely to litter. A significant amount of trash in the streets, parking lots, and gutters in the City of Peoria are food wrappers, bottles, and other food packaging.
- **Require all property owners to be responsible for litter, debris, and vegetation in the sidewalks, public sidewalks, curbs, and all other right-of-way immediately adjacent to their property and prohibit property owners from allowing vegetation to grow in the curb and gutter immediately adjacent to their property.**

Staff feels it is important to mention these ordinances will be enforced as staffing constraints allow. Currently, the Public Works Department cuts or sprays over growth in the public right-of-way between the property and the curb line. (Extending into the street.) The ordinance change will shift this responsibility to the private property owner and shift enforcement of this ordinance to the Community Development Department.

The Community Development Department will be making a strong push over the next few months to educate the public about these changes. Staff will continue to educate the public on the negative affect that litter and poor property maintenance has on our neighborhoods. Education is the first tool and priority to improve our neighborhoods.

**FINANCIAL IMPACT:** NA

**NEIGHBORHOOD CONCERNS:** Litter in neighborhoods creates blight and decreases property values.

**IMPACT IF APPROVED:** Property owners will be held to tougher standards litter violations.

**IMPACT IF DENIED:** Code Enforcement staff will use current ordinance language to address litter issues.

**ALTERNATIVES:** NA

**EEO CERTIFICATION NUMBER:** NA

**WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2014 - 2029 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?**

1. Attractive Neighborhoods with Character: Safe and Livable
2. Vibrant Downtown: Riverfront/ Central Business District/ Warehouse District
3. Financially Sound City Government, Effective City Organization

**WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?**

1. Support sustainability.
2. Reinvest in neighborhoods.
3. Have an efficient government.

**DEPARTMENT:** Community Development