



Internal Memo

September 18, 2019

TO: Mark C. Meyers, City Administrator

FROM: Jon Gale, Chief of Police

SUBJECT: Disposal Companies

The Police Department has received requests from city council members to enforce the Public Peace ordinance in regards to disposal companies and times of operation. Mayor Nelund had requested that the police department speak to each disposal company that operates in the City to request a later pick up time.

I called all six companies and spoke with a representative from each. I explained our ordinance and requested that their companies try to respect the time of day for residential pick up in the city. Each of the representatives acknowledged that it is more convenient and safer to pick up trash in the early morning hours before the morning commute and bus stop pick-ups. Each company stated that they normally pick up commercial clients in the early morning hours and then begin residential operations after 5:30 a.m.

I have again received complaints from the city council members after these phone calls were made. I have reviewed the current Public Peace ordinance and find it to be vague and difficult to enforce. Staff is skeptical that using the ordinance to cite solid waste haulers would survive a challenge in court. A more effective approach may be to restrict hours of operating garbage trucks similarly to restrictions on construction or maintenance activities. The below is the ordinance wording with a few of the exceptions. *Note: The exceptions have a designated time assigned.*

Chapter 22, Article 1, sec.22-1

(16) Disturb or break the public peace, disturb the quiet of a neighborhood by loud or boisterous conduct or use any machine or motor vehicle in such a way as to cause loud or boisterous and excessive noise or for the owner, manager or agent of the owner or person in charge of any premises to knowingly permit or knowingly permit to be continued a disturbance or breach of the public peace, disturbance of the quiet of the neighborhood by loud or boisterous conduct or the use of any machine or motor vehicle in such a way as to cause loud, boisterous and excessive noise:

a. *Exceptions.* None of the prohibitions herein shall apply to or be enforced against:

i. Construction. It shall be unlawful to erect, excavate, demolish, alter or repair any structure, or excavate any street or highway, other than between the hours of 7:00 a.m. and 10:00 p.m. without having first obtained the appropriate permit from the city.

j. Maintenance. It shall be unlawful to repair any vehicle, operate a lawn mower, leaf blower, chain saw and other power tools or equipment, while outside, other than between the hours of 7:00 a.m. and 9:00 p.m.

Staff is seeking direction from city council on whether or not to consider such restrictions on solid waste haulers. I would like to discuss this issue at the upcoming City Council Work Session on September 24, 2019. The Police Department will follow up with the recommendations of the City Council.