

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., JUNE 6, 2022

THE MEETING WAS HELD IN PERSON IN THE AV ROOM #308 IN CITY HALL.

Chad Robinson, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30 p.m., JUNE 6, 2022.

Committee Members Present:

Chad Robinson, Chair
Bobby Reishman, Vice Chair
Ben Adams
Becky Ceperley
Adam Knauff
Emmett Pepper
Keeley Steele

Absent:

None

Councilmembers also Present:

Bruce King
Bobby Brown

1. Approval of Previous – Councilmember Ceperley motioned to approve the previous minutes from 4-7-2022. Councilmember Steele seconded. With the members being present having voted unanimously in the affirmative, the Chair declared the minutes approved.

2. Bill No. 7960 Committee Substitute – A BILL to amend the Municipal Code relating to creating a process for refuse related citations.

City Attorney, Kevin Baker, explained that the bill will create a citation process for putting out trash on the wrong day or time, which would be similar to what the City does with parking citations. The citations would be issued by the Refuse Department, and could be appealed to Brent Webster for review. After that, citizens would be able to appeal in Municipal Court. Additionally, fines will be substantially increased for littering into any body of water. These fines match those in State Code. There is additional language in 98.2 that is a catch-all penalty for anything that doesn't have its own specific offense. The Committee Substitute makes some changes with respect to property owners/landlords in that trash cannot be put out earlier than 6:00 the day before collection day.

Public Works Director, Brent Webster, added that the bill is probably long overdue, and will fix some issues. It will allow them to focus on the repeat offenders. Refuse Director, Jared Lanham, added that citations will mostly be complaint driven. They intend to show some leniency, especially for a period after the bill is passed. Baker added that it will take a while to implement the process. Webster clarified that the appeal process would be informal, and would be handled similar to how the Parking System does it.

Councilmember Robinson added that the idea for this bill originally came from Councilmember John Kennedy Bailey.

Councilmember Steele added that the East End would feel a little beat up over this bill as they are the only neighborhood that receives parking fines on garbage day. She added that the flat areas have problems with the transient population going through garbage, which is not the fault of any homeowner. Baker added that he didn't see the intent of the bill being to punish homeowners in that situation. Loose trash on private property is a violation of the building code. Robinson added that some landlords in particular put an entire apartment's worth of trash on the sidewalk when they evict a tenant, regardless of when the trash pickup day is. Steele clarified with Lanham that the intent is to focus on repeat offenders.

From the audience, Councilmember King asked for clarification about loose items. Baker replied that an accumulation of loose trash in yards, etc. is a violation of the building code, so violations for that would be handled by the Building Department, and would apply to commercial properties as well. Councilmember Pepper added that the Building Code also requires an adequate number of trash cans to be available.

From the audience, Councilmember Brown suggested that warnings should be issued verbally, then written when possible.

Councilmember Knauff added that he was in favor of the bill. He receives many complaints about informal, ad hoc dumpsters, and asked if the bill would apply to that. Councilmember Robinson replied that it would for repeat offenders. Baker agreed, and

added that he didn't think the physical ad hoc dumpsters were a violation, but keeping trash in them outside of the designated time period would be. Councilmember Knauff asked who would have the authority to write citations. Councilmember Robinson replied that the Director, Assistant Director and Foreman would be able to write citations per the language in the bill.

Councilmember Pepper asked if this could be enforced by Police Officers. Baker replied that they could enforce it theoretically. Councilmember Pepper asked if the stated fines for waterways could be applied to non-waterways as well. Baker replied that the bill could be amended to do that.

Councilmember Robinson clarified with Baker that Section 98.42 is that catch-all section, and 98.101(f) has more specific penalties that could apply to a violation.

Councilmember Pepper motioned to amend Bill No. 7960 Committee Substitute to mirror the language in Section 98.3 to Section 98.4. Councilmember Ceperley seconded that motion. With those being present having voted unanimously in the affirmative, the Chair declared the amendment as passed.

Councilmember Pepper added that he had wanted to propose a volunteer adopt-a-trash-can program for public trash cans. He would not be making an amendment for it at the meeting, but definitely wanted to further discuss that at a later time. Webster added that he had concerns for the longevity of such a program, and who would be ultimately responsible for those cans if the program wasn't kept up with as needed. Councilmember Robinson added that he would probably prefer for such a program to be more informal. Councilmember Ceperley added that she has heard from many businesses that they do not have proper way to recycle their cardboard.

With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 7960 Committee Substitute as Amended as approved.

Councilmember Reishman motioned to adjourn the meeting. Councilmember Ceperley seconded. Meeting adjourned.