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MEMO

TO: Sunfish Lake Mayor and Councilmembers
FROM: Timothy J. Kuntz, City Attorney
DATE: March 28, 2019
**RE: Re-titling Section 1216.11 of Sunfish Lake Zoning Code; April 2, 2019
Council Meeting - Agenda Item 8(e)**

Section 1. Background. Section 1216.11 of the Sunfish Lake Zoning Code deals with refuse as well as trash containers. The current Section 1216.11 provides:

³² **SECTION 1216.11 REFUSE:**

- A. Any accumulation of refuse on any premises not stored in containers which comply with City Code, or any accumulation of refuse including car parts on any premises which has remained thereon for more than one (1) week is hereby declared to be a nuisance and may be abated by order of the City Council, as provided by Minnesota Statutes and the cost of abatement may be assessed on the property where the nuisance was found, as provided by law.
- B. When awaiting collection, all garbage and rubbish must be properly placed in a container (including all loose contents), stored in the front yard, or driveway as follows:
 - 1. Containers may be set out no sooner than two (2) days prior to collection day.
 - 2. Containers (and any material not picked up by the garbage hauler) must be removed from the front yard, driveway or public boulevard by the end of the day following the collection day.
- C. When not awaiting collection, garbage and rubbish must be properly stored in containers that are kept in rear yards, in accessory buildings or in garages. Containers may only be stored in a side yard if the setback of the home is at least fifty (50) feet from the boundary line and they are stored behind the front building line of the home. If the setback of the home is not fifty (50) feet from the boundary line, then the containers may only be stored in a side yard if they are screened by a hedge or enclosure so that they are not in immediate view of the public street.

The Mayor believes that when the public searches the City Code, it would be more convenient, meaningful, indicative of the subject matter and accessible to the public if the heading of Section 1216.11 was “SECTION 1216.11 REFUSE – TRASH CONTAINERS” instead of “SECTION 1216.11 REFUSE”. If the change were made, the section title would be shown in the actual section to the Code as well as in the Table of Contents.

This change can be made administratively by the City Administrator and City Attorney under City Code Section 101.08, Subd. 3 incident to integration of ordinances into the Code. Since a descriptive word is being added to the section (rather than being deleted) such an action falls under the provision to “perform like actions to insure a uniform code of ordinances without however, altering the meaning of the ordinances enacted.” Section 101.08, Subd. 3 provides:

Subd. 3 Errors: When integrating ordinances into the Code, the Administrator and Attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections chapters and ordinance; substitute figures for written words and vice versa; substitute dates for the words “the effective date of this ordinance”; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Section 2. Council Action. Before proceeding to make the change, it would be appropriate that the Council authorize the change by motion. The motion would read:

Moved that as part of the process of integrating ordinances into the City Code, the Council approves the decision of the City Administrator and City Attorney to change the title reference of Section 1216.11 of the City Zoning Code to read:

SECTION 1216.11 REFUSE – TRASH CONTAINERS