

1783.12 COMPOSTING.

(a) Definition. For the purpose of this section, “**composting**” means the controlled decomposition of organic solid wastes under aerobic conditions to produce a relatively stable, inert material that may be incorporated into the soil without producing any adverse impact to the soil or to the public health.

(b) Regulations.

(1) All **composting** shall conform to such reasonable rules and regulations promulgated by the Director of Public Safety or a designee to insure sufficient safety, health and sanitation in the City, provided those rules are otherwise in conformity with this section.

(2) **Composting** shall be permitted only in approved **composting** containers designed and constructed specifically for that purpose. Approved **composting** containers are those that are designed to minimize access to **compost** by animals, rodents and insects; that do not exceed five (5) feet by five (5) feet by five (5) feet in size; that are enclosed, with no opening greater than a half-inch; and that are accessible from three sides. **Composting** containers shall be screened from view and otherwise not be visible from the public right of way and are not permitted in any front yard or located closer than five (5) feet from any side or rear property line.

(3) No person shall perform **composting** that is detrimental to the public safety, health or general welfare, or of such nature as to interfere with the value of or enjoyment thereof by the owners, occupants or persons in charge of or control of any property within the immediate vicinity by reason of any noxious odors emanating therefrom, or which is of such character or nature as to create or spread disease or cause an unsanitary and unhealthful condition, or which by its character or nature is likely to attract rodents, vermin or other disease-carrying pests, animals or insects. No person shall keep or leave human waste, refuse or bodies of dead animals in the **compost** pile; store, discharge or deposit sewage, human waste, wash water or other substance which will make a **compost** pile a potential transmission agent of disease; or store or deposit any waste or substances which will pollute water or soil. **Composting** that violates any of these provisions is hereby declared to be a public nuisance.

(c) Violations.

(1) Whoever violates any provision of this section shall, upon discovery thereof be issued a warning by the Director of Public Safety or a designee for a first offense. For a second or subsequent violation of this section, an offender shall be fined not more than twenty-five dollars (\$25.00). For each subsequent offense an offender shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(2) The Director of Public Works or a designee shall have the power to enforce the provisions of this section. The City may issue such orders as are necessary to aid in the enforcement of the provisions of this section. These orders shall include, but shall not be limited to orders requiring persons to cease **composting** in violation of any provision of this section; orders to take corrective action or to abate a public nuisance regardless of whether the **composting** is otherwise in conformity herewith; or orders requiring production of information. Such an order may be issued if the City finds that any person is in violation of any provision of this section.

(3) The City may, in its order, require compliance with this section.

(4) An order issued under this section shall take effect upon notice, unless the order specifies otherwise. The person affected may appeal an order to the Board of Building Standards and Building Appeals. An appeal to the Board of Building Standards and Building Appeals of the City of Lakewood's order shall not act as an automatic stay of enforcement, provided, however, that upon application and for cause shown, the Board of Building Standards and Building Appeals may issue such a stay under rules established by the Board.

(5) The authority of the City of Lakewood to issue an order under this section is in addition to any remedy or penalty that may be imposed pursuant to this section.

(6) The imposition of any penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to restrain, correct or abate a violation, or to require compliance with the provisions of this Code, or other applicable laws, ordinances, rules or regulations, or the orders or determinations of the Director of Public Works or Board of Building Standards and Building Appeals. (Ord. 49-11. Passed 12-5-2011.)