

## MEMORANDUM

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP  
Director of Community Development

**DATE:** March 16, 2006

**SUBJECT:** Proposed Amendments to the Nuisance Ordinances

The Community Development Department staff is proposing four Ordinance amendments to the Health and Sanitation and Nuisance Ordinances (Chapters 92 and 94 in the Village Code) for Village Board consideration. These amendments are intended to clarify selected code sections to reflect the current interpretations and policies made by staff in the implementation of the Code. The amendments are intended to provide greater clarity to property owners, staff and the courts in the event code enforcement action is taken against a property owner. None of the amendments proposed herein are intended to modify existing Village policies or procedures.

The draft amendments are being transmitted to the Board as separate ordinances, in order to allow the Board flexibility in their review process. The amendments as follows:

### Section 92.30 through 92.32 – Noxious Weeds/Grasses

These amendments incorporate the term “grass” or “grasses” where appropriate to allow tall unmowed grass to be clearly classified as a nuisance. Right now, one could argue that absent any noxious weeds, the Village does not have the authority to cut and lien an overgrown property. Staff has cited this section to undertake weed cut liens, but we do not want to get into semantic arguments regarding the type of lower growth plant materials that are overgrown.

### Section 94.04(I) – Litter Provisions

This amendment specifically adds the citation “landscape waste as defined by Section 92.41(E) of this Code” to the list of types of litter that can be considered a nuisance. In the past, we have used the term “litter” more generically to include branches and stumps. However, as it is not specifically listed, we do not want this omission to be interpreted that piles of cut branches, stumps or other types of landscape waste on a property is permissible.

### Section 94.04(L)(1) – Parking Provisions

This amendment specifically adds the term “tow trucks” to the list of commercial vehicles that cannot be parked on a residential property. It also adds the term “storage” with the parking term to more fully identify that commercial vehicles should not be placed on residential property, except where specifically permitted elsewhere in Code.

Section 94.05(J) – Parking Surface Provisions

This amendment specifically defines the type of surface a vehicle can be parked on. In the past, individuals have placed concrete blocks or bricks underneath vehicle tires and have argued that they are in compliance with code. This proposed amendment would prevent such arguments by tying the surface type to the Village's driveway standards. While this has been the past interpretation made by staff, we want to avoid any confusion or ambiguity should the provisions of this regulation be considered in court.

Please note that this regulation only applies to the respective vehicle parking area itself and not any access points to the parking area itself. For example, this clarification would not require a property owner to provide a full driveway addition to access a parking area used for winter storage of a recreational vehicle.

**ACTION REQUESTED**

Please place this item on the March 16, 2006 Village Board consideration with a staff recommendation to approve four Ordinances on first reading pertaining to the Village nuisance regulations.

attachments