

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue)        *Waiver of First Requested*  
  X   Recommendations of Boards, Commissions & Committees (Green)  
       Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: November 20, 2015 (B of T) Date: December 3, 2015

TITLE: Proposed Text Amendments to Chapter 94 - Nuisances

SUBMITTED BY: Department of Community Development ~~WA~~

BACKGROUND/POLICY IMPLICATIONS:

Your Economic and Community Development Committee (ECDC) transmits for your consideration its recommendation regarding Proposed Text Amendments to Chapter 94 - Nuisances.

The ECDC recommended approval of this petition by a vote of 6-0 at its November 16, 2015 meeting.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** December 3, 2015

**SUBJECT:** **Proposed Text Amendments to Chapter 94 - Nuisances**

Please find the following items for Village Board consideration as part of the December 3, 2015 Board meeting:

1. ECDC referral letter;
2. Staff memo to the ECDC; and
3. An Ordinance amending Article IX, Chapter 94, Section 94.04 of the Lombard Village Code.

The proposed ordinance is the result to discussions with selected property owners and a request made by a resident at the October 1, 2015 Village Board of Trustees meeting. The proposed ordinance addresses staff observations that vehicles and trailers are being used as permanent storage, much like a storage structure, and regulates excessive storage of items in a yard or in a vehicle.

The ECDC recommended approval of this petition by a vote of 6-0. Please place this petition on the December 3, 2015 Board of Trustees agenda.



## VILLAGE OF LOMBARD

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www.villageoflombard.org

December 3, 2015

**Village President**  
Keith T. Giagnorio

Mr. Keith T. Giagnorio,  
Village President, and  
Board of Trustees  
Village of Lombard

**Village Clerk**  
Sharon Kuderna

### **Subject: Proposed Text Amendments to Chapter 94 - Nuisances**

**Trustees**

Dan Whittington, Dist. 1  
Michael A. Fugiel, Dist. 2  
Reid Foltyniewicz, Dist. 3  
Bob Johnston, Dist. 4  
Robyn Pike, Dist. 5  
William "Bill" Ware, Dist. 6

Dear President and Trustees:

Your Economic and Community Development Committee (ECDC) transmits for your consideration its recommendation regarding Proposed Text Amendments to Chapter 94 - Nuisances.

**Village Manager**  
Scott R. Niehaus

The ECDC reviewed the staff memo on November 16, 2015. Mr. Heniff reviewed the staff memo and noted this item is a follow up from a resident request at a Village Board meeting. He noted that items on the grass could be considered liter, but currently the Village Code does not prohibit storage of the same materials on an open trailer or inside a vehicle. He said personal property can be stored inside the house, garage, or shed. There is an exemption for items such as lawn furniture that are typically outside.

*"Our shared Vision for Lombard is a community of excellence exemplified by its government working together with residents and businesses to create a distinctive sense of spirit and an outstanding quality of life."*

*"The Mission of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."*

Mr. Bennett asked if staff reviewed the Property Maintenance Code and Mr. Heniff said yes, but staff felt they needed a stricter code, especially for vehicles. Mr. Kelly asked about commercial vehicles or parking on the grass. Mr. Heniff said that nothing above a B plate is allowed at a residence and that parking on the grass is also not allowed. Ms. Dillon asked about commercial vehicles with work materials. Ms. Ganser said that the vehicle would need to be operational per the Motor Vehicle Code. Mr. McNicholas asked what the penalty would be if in violation. Mr. Heniff said the Village is capped at State statute of \$750 per day per occurrence. Mr. Bennett asked how it would be enforced. Mr. Heniff noted the Village has three part-time and one full-time staff in Code Enforcement and the efforts would be similar to how we enforce other Code provisions. Staff sends an advisory letter to start and if needed, would follow up

December 3, 2015

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with a violation letter and potentially a ticket for a court appearance. Mr. Bennett asked if Public Works or the Police Department contribute to seeing Code violations. Mr. Heniff said a full outreach to other departments on the Code changes would be done and that all staff acts as eyes for the Village. Mr. Bennett asked if staff has patrols and the number of hours and days a week they work. Mr. Heniff said there are no patrols and staff works 20 or 40 hours per week depending on if they are part or full-time. He said they do not work on the weekends.

Mr. Pike made a motion to recommend approval of the proposed ordinance to the Village Board of Trustees, with a second by Ms. Dillon. The vote passed unanimously.

Respectfully,

**VILLAGE OF LOMBARD**

Trustee Johnston, Chairperson  
Economic and Community Development Committee

c. Economic and Community Development Committee

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**TO:** Trustee Johnston, Chairperson  
Economic and Community Development Committee Members

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** November 16, 2015

**SUBJECT:** Trailers and Waste Accumulation

Staff has recently received requests related to trailers and waste accumulation at residential property. Staff is proposing amendments to Chapter 94 (Nuisances) of the Village Code to prohibit waste accumulation in trailers or vehicles and to regulate excessive storage of items in a yard or in a vehicle. Trailers can become a permanent accessory adding additional bulk on the property.

The ECDC may remember a discussion on Recreational Vehicles in 2013. Since both RV's and the proposed amendments are enforced by Village Code Administration, a division of the Community Development Department, staff is bringing forth these amendments to the ECDC.

Attached is Section 94.04 with the addition of subsection Q in **bold underline** to denote the new text and the draft Ordinance.

**ACTION REQUESTED**

Staff recommends review of and recommendation of approval to the Village Board of the attached amendment to Chapter 94 of the Lombard Village Code.

**§ 94.04 - Schedule A: Notice required; nuisances defined.**

Notice must be given as set forth in § 94.03 for those nuisances defined as follows:

(A) To use or occupy any part of a street, parkway, alley, or sidewalk of the village for the purpose of carrying on, soliciting, or promoting any trade, business, or other enterprise which impedes, interferes with, or makes dangerous travel thereon; also, to cause or permit the storage of any product, supplies for, or equipment incidental to the operation of such business or enterprise upon any street, parkway, alley, or sidewalk within the village;

(B) (1) To create or permit to be created or remain upon any premises within the village for a period of more than 30 days, the storing, piling, scattering, accumulating, heaping, amassing or collecting of bricks, concrete blocks, straw, lumber, structural iron, pipe, roofing materials, or any building materials where the same is in public view and where the same may or does constitute a safety hazard to children playing in the area, or that may or does become an attraction to or haven for vermin or rodents.

(2) Building material stored outdoors on any site for construction authorized by a building permit shall not be permitted to remain more than 30 days after completion of construction upon a job site;

(C) To allow, cause, or permit garbage, rubbish, or waste materials to be set out in containers which are not covered, which permit or allow the contents of such containers to be accessible to rodents or animals, or that permit the contents thereof to be scattered or blown about;

(D) For any person to dump, deposit, store, or place any garbage, rubbish, trash, or refuse upon property within the village, except in covered containers;

(E) To keep, shelter, feed, harbor, care for, maintain, or trap, or cause or permit to be kept, sheltered, fed, harbored, cared for, maintained or trapped, any animal on property within the village except in full compliance with Chapter 90 of this Code.

(F) (1) To store, cause to be stored, or permit to remain in public view on any premises within the village, inoperable motor vehicles, not located within a garage. For the purpose of this subsection, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least seven days, the engine, wheels or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power or one that for any period of time has been rendered inoperable because it does not have evidence of registration as required by 625 ILCS 5/3-701 et seq., or one which does not display a current license as required by Chapter 70 of the Village Code.

(2) To deposit upon any public or private roadway, alley, driveway, parking area, or other place within the village limits, any inoperable motor vehicle or part thereof, without first obtaining permission of the owner, occupant, or agent of private property, or the Police Department of the village for public property;

(G) To cause or permit the carcass of any dead animal or vegetable matter, slops, swill, suds, garbage, filth, stable drippings, or other offal or noisome substance of any kind including cat or dog feces to be collected, deposited, or remain in any place, yard or pen except in approved covered containers, and then only long enough to be properly disposed of;

(H) To keep or permit to be kept upon any premises within the village any dog or other animal or fowl emitting loud, frequent, and continuous offensive noises;

(I) To cause or permit any premises within the village to become or remain littered with tin cans, glass jars, bottles, scrap glass, paper cartons, scraps of paper, boxes, ashes, iron, old hot water tanks, oil storage tanks, tin or other metal materials, refuse, rubbish, junk, waste, manure, straw, landscape waste as defined by § 92.41(E) of this Code, lumber, old bricks, concrete blocks, chunks of broken concrete, plaster board, discarded furniture, household appliances, mattresses, bed springs, portable swimming pools in disrepair, tires, or other like matter of things;

(J) To corrupt or permit to be corrupted any water stream or source thereof;

(K) To obstruct any water source, ravine, or gutter so as to cause water to stagnate therein, or to permit foul or stagnant water to stand upon any premises;

(L) (1) All parking and/or storage of commercial vehicles requiring more than a Class B license plate as established by the Office of the Secretary of State of the State of Illinois such as trucks, tractors, and trailers on residential property; however, the parking of a school bus, as defined by 625 ILCS 5/1-182, shall not be prohibited between 8:00 a.m. and 4:00 p.m., provided:

(a) The occupant of the residential property is the authorized driver of said school bus; and

(b) The school bus is parked no closer than 15 feet from the sidewalk adjacent to said residential property or, where no sidewalk exists, no closer than 15 feet from the street adjacent to said residential property;

(2) Storage of all other specialized commercial vehicles such as tractors, plows, backhoes, or any other similar equipment stored on any residential property unless said equipment is garaged, or for a construction site for which a building permit has been issued.

(M) To direct, allow or permit the flow of water from any downspout, sump pump, drain tile or any other artificial storm, ground or surface water drainage mechanisms or conduits onto a sidewalk or street so as to cause icing to exist on said sidewalk or street as a result of said water drainage. In the event that the nuisance described in this subsection is not corrected upon receipt of the notice

referenced in § 94.03 of this Code, and the Public Works Department is required to de-ice any street referenced in said notice a second or further time, the owner/occupant of the property in question shall, in addition to any fine that may be assessed for said Village Code violation, be billed for the actual costs incurred by the village for the Public Works Department's performance of the de-icing.

(N) To fail to maintain or repair any private stormwater management facility including, but not limited to, any private stormwater retention basin, detention basin or storm sewers, as well as any grates, inlets, outlets, manholes, catch basins or restrictors relative thereto, thereby creating a situation in which said stormwater management facility does not perform as designed or poses a potential or real hazard to the health, safety or welfare of the public.

(O) The storage of firewood on a residential property:

- (1) In an amount exceeding 128 cubic feet, also known as one full-cord;
- (2) To a height greater than four feet from grade;
- (3) Greater than eight feet in width; or
- (4) Infested with vermin or rodents.

(P) Notwithstanding the provisions of § 94.05(J) of this Code, the parking or placement of recreational vehicles (as defined by 625 ILCS 5/1-169), all-terrain vehicles (as defined by 625 ILCS 5/1-101.8), watercraft, motorboat, sailboat, airboat, personal watercraft or specialty prop-craft (all as defined by 625 ILCS 45/1-2), (each hereinafter a "recreational vehicle"), or any trailer (as defined by 625 ILCS 5/1-209) used to transport or store any recreational vehicle (hereinafter a "trailer"), in the front yard (as defined by § 155.802 of this Code) of any property used for single-family detached or attached residential dwelling unit purposes:

- (1) Between November 1<sup>st</sup> of each year and March 31<sup>st</sup> of the following year (becoming effective November 1, 2014);
- (2) At any time if any wheels, that are normally on the recreational vehicle or trailer, have been removed; or
- (3) At any time if the recreational vehicle or trailer has otherwise been permanently affixed to the ground, so as to prevent its immediate removal.

**(Q) To cause or permit the storage of any item of personal property, other than a motor vehicle, a recreational vehicle (as defined by subsection (P) above) or a trailer (as defined by subsection (P) above), on a residential lot, other than within: (1) the primary building; (2) an accessory building; (3) an accessory structure; (4) a completely enclosed storage trailer; or (5) the enclosed portion of a motor vehicle, provided said motor vehicle is not rendered incapable of being driven, in full compliance with the requirements of the Illinois Motor Vehicle Code, as a result of**

**the storage of the personal property therein. Notwithstanding the foregoing, the outdoor storage of personal property on a residential lot, where the personal property is intended for use by the occupants thereof, on or about the outdoor area where stored (e.g. lawn furniture, barbeque grill, swing set, outdoor fire pit, etc.), and where the personal property is unbroken, and in a condition such that it can be used for its intended purpose, shall be permitted.**

('70 Code, § 6.28.060) (Ord. 1639, passed 7-6-71; Am. Res. R-16-74, passed 1974; Am. Ord. 1926, passed 2-26-76; Am. Ord. 2993, passed 10-15-87) Penalty, see § 94.99, Ord. 4130, passed 2/15/96, Ord. 4333, passed 7/17/97; Ord. 4935, passed 3/1/01; Ord. 5154, passed 6/20/02; Ord. 5860, passed 5/18/06; Ord. 5877, passed 6/1/06; Ord. 6456, passed 3/18/10; Ord. 6871, passed 9/19/13)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING  
ARTICLE IX, CHAPTER 94, SECTION 94.04 OF  
THE LOMBARD VILLAGE CODE IN REGARD TO NUISANCES**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That Article IX, Chapter 94, Section 94.04 of the Lombard Village Code is hereby amended by adding a new subsection (Q) thereto, which shall read in its entirety as follows:

“(Q) To cause or permit the storage of any item of personal property, other than a motor vehicle, a recreational vehicle (as defined by subsection (P) above) or a trailer (as defined by subsection (P) above), on a residential lot, other than within: (1) the primary building; (2) an accessory building; (3) an accessory structure; (4) a completely enclosed storage trailer; or (5) the enclosed portion of a motor vehicle, provided said motor vehicle is not rendered incapable of being driven, in full compliance with the requirements of the Illinois Motor Vehicle Code, as a result of the storage of the personal property therein. Notwithstanding the foregoing, the outdoor storage of personal property on a residential lot, where the personal property is intended for use by the occupants thereof, on or about the outdoor area where stored (e.g. lawn furniture, barbeque grill, swing set, outdoor fire pit, etc.), and where the personal property is unbroken, and in a condition such that it can be used for its intended purpose, shall be permitted.”

**SECTION 2:** That this Ordinance shall be in full force and effect from and after its passage, approval, publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015,  
pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Keith Giagnorio  
Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_,  
2015.

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk