



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Administrative Division

m e m o r a n d u m

TO: Bruce K. Walden, Chief Administrative Office

FROM: Elizabeth H. Tyler, AICP, Director

DATE: August 11, 2006

SUBJECT: **An Ordinance Amending the Code of Ordinances, Regarding Nuisances (Indoor Furniture Used Outdoors)**

Description

The proposed Amendment to the Code of Ordinances would prohibit the placement of furniture not designed for outdoor use on any open porch, yard, or exterior area of a property that is visible to the general public. Exceptions are made for disposal and garage sales.

Issues

The placement of indoor furniture in visible outdoor locations is considered by many to present a blighting appearance. It can also result in public safety issues, if the furniture becomes a harbor for rodents and pests. The proposed amendment would allow the City's Nuisance Inspector to enforce removal of improperly located indoor furniture as a public nuisance. Such ordinances are common and Champaign has had a similar ordinance in place for a number of years.

Background

The use of outdoor furniture on open porches and yards is visible in several neighborhoods in the City, particularly near the University of Illinois. The City receives neighbor complaints about such furniture, but is not currently able to enforce against this as a nuisance. The issue arose most recently within the context of the Mayor's Neighborhood Safety Task Force which expressed interest in reviewing the matter as a means of improving neighborhood appearance.

The former City Attorney had previously prepared a draft of the proposed Amendment. The Neighborhood Safety Task Force reviewed this proposed amendment and offered suggested improvements. The suggested addition to the Nuisance Provisions of the Code of Ordinances is as follows:

(4) No owner, tenant, or occupant of any property in the City may place, store, or keep furniture that is not designed for outdoor use, on any open porch, yard, or exterior area of structures in such place that can be seen from any public street or walk or

from any neighboring property, nor suffer or permit such to occur. For purposes of this paragraph, "open porch" shall mean any part of a house or building that is not fully enclosed and shielded from the elements on all sides by roof and walls. This provision shall not apply during a lawful yard sale or garage sale while such furniture is offered for sale; nor shall it apply while such furniture is otherwise lawfully held for garbage collection.

At their June 20, 2006 meeting, the Task Force moved to send the revised Ordinance to the City Council for consideration.

Options

1. Urbana City Council can approve the Ordinance amendment as presented.
2. Urbana City Council can approve the Ordinance amendment, with additional changes to be identified.
3. Urbana City Council can decide not to approve the Ordinance amendment.

Fiscal Impacts

Enforcement of the Ordinance amendment would occur as a part of the ordinary duties of the City's Nuisance Inspector and Housing Inspector. No measurable fiscal impact upon the City is anticipated.

Recommendation

Consistent with the Neighborhood Safety Task Force action, Staff recommends that Council adopt the proposed Ordinance amendment, as presented.

Attached: Draft Ordinance

This Ordinance:
AMENDS the Code of Ordinances.

ORDINANCE NO. 2006-08-110

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, REGARDING NUISANCES
(INDOOR FURNITURE USED OUTDOORS)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA,
ILLINOIS, as follows:

Section 1. That Section 11-57(a of the Code of Ordinances of the City of Urbana is amended, with the underlined text indicating new language and the strikethrough text indicating deletions as follows:

Sec. 11-57. Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to, the following acts, conduct, omissions, conditions or things:

(a) Class 1 offenses:

(1) No person, except the owner, occupant, or owner's agent shall interfere, disturb, or collect containers or their contents of municipal waste, recyclable materials, or landscape waste unless such person is employed by a hauler possessing a valid city license, or is a duly authorized city contractor, or is a city employee in the performance of duty.

(2) No person shall intentionally rake and leave or deposit municipal waste, landscape waste or other debris into the streets, gutters or drainage ditches of the city.

(3) No person shall accumulate materials that are intended and appropriate for on-site use in residential fireplaces or wood burning stoves unless such materials are cut to appropriate dimensions and are stacked in a neat and organized manner that does not create a habitat for vermin, create visual blight, constitute any other nuisance, nor pose a fire hazard as may be determined by city officials.

(4) No owner, tenant, or occupant of any property in the City may place, store, or keep furniture that is not designed for outdoor use on any open porch, yard, or exterior area of structures in such place that can be seen

from any public street or walk or from any neighboring property, nor suffer or permit such to occur. For purposes of this paragraph, "open porch" shall mean any part of a house or building that is not fully enclosed and shielded from the elements on all sides by roof and walls. This paragraph shall not apply during a lawful yard sale or garage sale while such furniture is offered for sale; nor shall it apply while such furniture is otherwise lawfully held for garbage collection.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED by the City Council this ____ day of _____, _____.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled AN ORDINANCE AMENDING THE CODE OF ORDINANCES, REGARDING NUISANCES (INDOOR FURNITURE USED OUTDOORS), which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, _____.

(SEAL)

Phyllis D. Clark, CITY CLERK