



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: September 19, 2022

Prepared By: Jon Oliphant, AICP, Planning & Development Director

Agenda Item: First Reading Ordinance -- Chapter 96 Code Amendment

Explanation: Following dialogue and feedback at prior Committee of the Whole meetings, attached is a draft code amendment addressing Chapter 96 of City Code.

Chapter 96 would be amended to require that all new downspouts and sump pump lines be setback at least ten feet from the front and rear property lines and at least five feet from side property lines. A nuisance would be established when any water draining from a downspout and/or sump falls upon a sidewalk. The City Administrator or her/her designee would be authorized to determine if preexisting downspouts and sump lines may negatively impact the public's health, safety, and/or welfare and qualifies as being a nuisance.

Fiscal Impact: N/A

Action Requested: Staff recommends approval of the attached ordinance. A first reading ordinance is scheduled for the September 19 City Council meeting and a second reading will be scheduled for the October 3 meeting.

ORDINANCE NO. _____

(Adoption of this ordinance would establish setbacks for all new downspouts and sump pump lines.)

**AN ORDINANCE AMENDING CHAPTER 96 OF THE MUNICIPAL CODE OF THE
CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, TO ADDRESS
DOWNSPOUTS AND SUMP PUMP LINE SETBACKS**

WHEREAS, Chapter 96 of the City Code (the “Code”) of the City of Washington (the “City”) sets forth the provisions of the nuisance code of the City; and

WHEREAS, the City has historically required that downspouts and sump pump lines be set back at least five feet from front, rear, and side property lines; and

WHEREAS, the City has treated the failure to abide by the five-foot set back requirement or other improper placement as a nuisance; and

WHEREAS, the City Council desires to codify new set back requirements for downspouts and sump pump lines and has determined that it is in the best interests of the City to amend Chapter 96 of the Code to address such downspouts and sump pump line setbacks.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That §96.01 of Chapter 96 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is, amended as follows:

“§ 96.01 DEFINITION

For the purpose for this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE. Any condition or use of premises or building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on, or the scattering over the premises of any of the following:

- (1) Lumber, junk, trash, or debris;
- (2) Abandoned, discarded or unused objects or equipment such as automobiles or parts, furniture, stoves, refrigerators, freezers, cans, containers, or building materials such as lumber, windows, cement blocks, piping, or wiring;

- (3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gases, or attract rodents, vermin, or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;
- (4) Unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents, or animals.
- (5) Weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of the like kind.
- (6) Weeds, grasses, or plants, other than trees, bushes, flowers, or other ornamental plants. It shall be unlawful for anyone to permit any weeds, grasses, plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the city; any such plants or weeds exceeding such height are declared to be a nuisance.
- (7) Abandoned or inoperative motor vehicles and equipment.
- (8) Things interfering with peace or comfort. Sound, animals, or things which interfere with the peace and comfort or disturb the quiet of any person in the city constitute a public nuisance.
- (9) Offensive, nauseous, or dangerous things. Anything which is made, permitted, used, kept, maintained or operated, or any building or any animal that is kept in the city or outside of the city but within one-half (½) mile of its limits, in a manner that is offensive, nauseous, dangerous to life, limb, or property or detrimental to the health of the persons residing in that area shall be a public nuisance.
- (10) Tanneries, soap factories, and the like. Whoever shall, within the limits of the city, establish or maintain any tallow chandlery, tannery, bone or soap factory, or shall steam, boil, or render any tainted lard, tallow, offal, or other unwholesome animal substance shall be deemed guilty of a nuisance; or whoever shall without the city limits and within one (1) mile thereof, establish or maintain any such chandlery, factory, tannery, or rendery, without first having obtained such permission and consent shall so conduct or carry on any such business as to taint the air and render it offensive or unwholesome, or so as to affect the health or comfort of persons residing in the neighborhood thereof shall be deemed guilty of a nuisance.

- (11) Discharge of offensive matter. Whoever shall, within the city, place or throw, or permit to be discharged, or to flow from or out of any house or premises, any filthy, foul, or offensive matter or liquid of any kind, into any street, alley, or public place, or upon any adjacent lot or ground, or shall allow or permit the same to be done by any person connected with the premises, under his control, shall be deemed guilty of a nuisance.
- (12) Or any other condition dangerous to health; offensive to community moral standards, unlawfully obstructing the public in the free use of public property; or behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.
- (13) Connection of footing tile or downspouts to the sanitary sewer system. Whoever shall maintain their premises so as to cause, allow, or permit storm water, surface water, ground water, runoff water, subsurface drainage water or the like to be discharged into the sanitary sewer system of the city, by way of downspouts, footing tile, or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby contributing to the backup, surcharge, overflow, or discharge of said sanitary sewer system into or onto the premises of another shall be deemed guilty of a nuisance; whoever shall maintain their premises so as to cause, allow, or permit storm water, surface water, ground water, roof run-off water, subsurface drainage water, or the like to be discharged into the sanitary sewer system of the city, by way of downspouts, footing tiles, or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby causing or tending to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, shall be deemed guilty of a nuisance.

(14) Maintenance of downspouts and/or sump pump lines in violation of Section 96.08 herein.

(15) (14) The various nuisances described and enumerated in this section shall not be deemed to be exclusive, but shall be in addition to all other nuisances prescribed or prohibited by this code and those offenses known to the common law or to the statutes of this state as nuisances.”

Section 3: That Chapter 96 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is, amended by adding §96.08 as follows:

“§96.08 Downspouts and Sump Pump Line Setbacks

(A) Placement.

(1) Front and Rear Yards. No person shall construct, install, improve, maintain, or permit to be operated on property he or she owns or occupies, any sump pump line or downspout the discharge point of which is located on or across, or less than ten feet (10') from a front yard or rear yard property line (*i.e.* the minimum set back requirement).

(2) Side Yards. No person shall construct, install, improve, maintain, or permit to be operated on property he or she owns or occupies, any sump pump line or downspout the discharge point of which is located on or across, or less than five feet (5') from a side yard property line.

(B) Drainage. It shall be a nuisance for any person to suffer or permit the water falling or draining from a downspout and/or sump pump line on his or her property to fall upon or spread over the sidewalk adjoining thereto.

(C) Applicability

(1) The setback requirements set forth herein shall apply only to new construction constructed on or after the enactment of this Section 96.08. A property owner, occupant, or lessee of real property may seek a waiver of the setback requirements from the City Administrator or his or her designee.

(2) Preexisting downspouts and sump pump lines shall not have to abide by the setback requirements herein unless and until the City Administrator or his or her designee determines that the setback negatively impacts the public's health, safety, and/or welfare.

(D) Violation. A violation of this Section 96.08 is hereby deemed a nuisance. Placement of a downspout and/or sump pump lines in violation of the City's requirements or the placement of which negatively impacts the public is confirmation of existing law in the City that an improper placement of downspouts and sump pump lines a nuisance.

(E) Procedure for Abatement. The procedure for abating the nuisance described herein shall be governed by Section 96.05.”

Section 4: That all ordinances or parts thereof in conflict herewith are hereby expressly repealed.

Section 5: That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____ 2022.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK