



DEPARTMENT OF PUBLIC WORKS

Environmental Sustainability Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing and Members of the Urbana City Council
FROM: William R. Gray, Public Works Director
Scott R. Tess, Environmental Sustainability Manager
DATE: August 8, 2016
SUBJECT: Amendment to Section 11-62 of the Code of Ordinances addressing vegetation obstructing streets and alleys

Background

The City of Urbana’s Code of Ordinances clearly prohibits vegetation which may obstruct pedestrian travel on sidewalks or obstruct traffic visibility from driveways or through the visibility triangle. However, the Code does not specifically identify alleys, bicycle lanes, or streets as sharing in the same prohibition. Staff has received complaints regarding vegetation growing into, leaning into, or hanging into alleys obstructing pedestrian and vehicle mobility as well as traffic visibility from automobiles. The proposed amendment seeks to maintain unobstructed alleys.

Proposed Amendments

Sec. 11-62. Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to the following acts, conducts, omissions, conditions or things found on any premises:

- (f) Vegetation, shrubs or trees, except city owned and maintained trees, which ~~prevents~~prevent the free and unobstructed travel of pedestrians within a sidewalk corridor, such corridor is defined as being the full horizontal width of a paved sidewalk and seven (7) feet in vertical height above the sidewalk, or which otherwise negatively affect (1) the free and unobstructed travel upon alleys, streets, or bicycle lanes; (2) traffic or pedestrian safety by impairing the visibility of pedestrians or vehicle operators ~~ingressing or egressing from driveways;~~ or (3) a vehicle operator’s ingress or egress to a driveway.

Fiscal Impact

There is no fiscal impact expected. The Environmental Sustainability Division presently receives and responds to these occurrences. The proposed amendment is not expected to substantially increase the number of inspections, but rather clarify how we address them.

Recommendation

Staff recommends adoption of the proposed ordinance amendment.

Exhibits

- A. Obstructed Alley 1
- B. Obstructed Alley 2

ORDINANCE NO. 2016-08-067

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 11, SECTION 11-62

(Nuisances, specifically defined)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 11-62 to define public nuisances in the City; and

WHEREAS, the City Council finds that amending said section will protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 11, "Health and Sanitation," Article IV, "Nuisances," Division 3, "Landscape Management," Section 11-62, "Nuisances, specifically defined," subsection (f), is hereby amended and as amended shall read as follows:

Sec. 11-62. - Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to the following acts, conducts, omissions, conditions or things found on any premises:

*
*
*

- (f) Vegetation, shrubs or trees, except city owned and maintained trees, which prevent the free and unobstructed travel of pedestrians within a sidewalk corridor, such corridor is defined as being the full horizontal width of a paved sidewalk and seven (7) feet in vertical height above the sidewalk, or which otherwise negatively affect (1) the free and unobstructed travel upon alleys, streets, or bicycle lanes; (2) traffic or pedestrian safety by impairing the visibility of pedestrians or vehicle operators; or (3) a vehicle operator's ingress or egress to a driveway.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

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:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor

Exhibit A: Obstructed Alley 1



Exhibit B: Obstructed Alley 2

