

CITY OF HARVEY
COOK COUNTY, ILLINOIS

ORDINANCE NO. 3500

**AN ORDINANCE REGARDING THE STORAGE OF NUISANCE MATERIALS ON
PRIVATE AND PUBLIC PROPERTY**

(Harvey Code of Ordinances, Ch. 8-24)

ADOPTED BY THE

CITY COUNCIL

CITY OF HARVEY

THIS 28th DAY OF October, 2024

Published in pamphlet form by authority of the City Council of the City of Harvey,
Cook County, Illinois, this 28th day of October, 2024

ORDINANCE NO. 3500

AN ORDINANCE REGARDING THE STORAGE OF NUISANCE MATERIALS ON PRIVATE AND PUBLIC PROPERTY

(Harvey Code of Ordinances, Ch. 8-24)

WHEREAS, the City of Harvey (“City”) is an Illinois home rule municipal corporation organized and operating pursuant to the Illinois Constitution of 1970; and

WHEREAS, Article VII Section 6 of the Illinois Constitution allows home rule municipal corporations to may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City has authority, pursuant to its home rule powers and the Illinois Municipal Code, to define, prevent, and abate nuisances within the City (65 ILCS 5/11-60-2) and to declare inoperable motor vehicles on public and private property that are in view of the general public as nuisances (65 ILCS 5/11-40-3); and

WHEREAS, the City has authority, pursuant to its home rule powers and the Illinois Municipal Code, to regulate the use of its streets and municipal property (65 ILCS 5/11-80-2); and

WHEREAS, the City finds and declares that the storage of certain materials and items on streets, sidewalks, alleys, parkways, public rights-of-ways, and other outdoor public property in the City is unsightly, potentially hazardous to pedestrian and vehicular traffic, and offensive to the senses; and

WHEREAS, the City finds that the outdoor storage of pallets and stacked wood exposes these items to the elements for an extended period of time and increases the risk of mold and other

health hazards, which are offensive to the senses, detrimental to public health and therefore a public nuisance; and

WHEREAS, the City finds that the outdoor storage of boats and inoperative motor vehicles reduces the availability of adequate and accessible parking spaces in the City and increases the risk of violations of the City's off-street parking requirements; and

WHEREAS, the City finds that the unregulated outdoor storage of materials and items on properties without fences or secure areas with locking mechanisms increases the risk of theft or damage to such materials and items by providing unrestricted access to the materials and items and is therefore a public nuisance; and

WHEREAS, the City finds that the outdoor storage of boats, inoperative motor vehicles, pallets, stacked wood, and refuse containers attracts vermin and other animals and increases the risk of habitation of these animals in such items and declares that the existence of such animals is unsightly, offensive to the senses, detrimental to public health and is therefore a public nuisance; and

WHEREAS, it is in the best interest of the health, safety and welfare of the City's citizens to regulate outdoor storage of certain materials and items on public and private property.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Harvey, Cook County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. AMENDMENT. Chapter 8-24 entitled “Nuisances” of the City of Harvey Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in **~~bold and strikethrough~~**):

8-24-010 Accumulation of junk, abandoned vehicles and refuse on private property.

~~It is unlawful, except where permitted by duly issued license, for any person or owner of real estate in the city of Harvey, Cook County, Illinois, after the said person or owner of such real estate has received a three-day cease and desist notice in writing, signed by the police administrator and/or superintendent of public works of the city, to allow, permit or maintain on private property any materials commonly known as junk, abandoned, wrecked or disabled vehicles, furniture, stoves, refrigerators, broken concrete, refuse or waste, piles or mounds of earth and sand and other debris.~~

8-24-10 Nuisance declared.

A. It is hereby declared a nuisance and it shall be unlawful for any person or property owner to store any material or item outdoors on any property in the city in violation of the regulations or prohibitions of this chapter after that person or property owner has received a three-day cease and desist notice in writing signed by the Chief of Police, Building Inspector, or City Administrator.

B. The regulations and prohibitions contained in this chapter shall not apply to the storage of materials or items by a unit of local, state, or federal government.

C. For the purposes of this chapter, “Storage” means the keeping or retention of tangible personal property for any purpose.

8-24-015 Unsafe storage of containers.

It is unlawful for any person to store or place more than two (2) containers on top of one another in or on any property that is within fifty (50) feet of the public way. For purposes of this section, “container” means any container that can be used across different modes of transport, such as ship, rail and truck, without unloading and reloading its cargo, and which is sometimes referred to as a shipping container or an intermodal container.

8-24-020 Outdoor storage on public property.

The storage of any of the following materials or items on any street, sidewalk, alley, parkway, public right-of-way, or other outdoor public property in the city is expressly prohibited:

- (1) boats;**
- (2) lumber, timber, or wood of any type including, but not limited to, pallets, wooden boxes, wooden barrels, veneers, plywoods, flexwoods, stacked wood, or firewood;**
- (3) construction related materials;**
- (4) cinder blocks;**
- (5) household or commercial waste containers;**
- (6) merchandise or other products; or**
- (7) any other materials or items.**

8-24-025 Outdoor storage on private property.

The storage of any of the following materials or items outdoors on any private property in the city is expressly prohibited:

- (1) inoperative motor vehicles, unless such motor vehicles are temporarily stored at a licensed and properly zoned automobile repair shop for immediate service or repair or public storage facility;**
- (2) lumber, timber, or wood of any type including, but not limited to, pallets, wooden boxes, wooden barrels, veneers, plywoods, flexwoods, stacked wood, or firewood, unless such item is stored at a licensed and properly zoned lumberyard or pallet manufacture located on the property or the firewood is stored in a neat and orderly fashion on a raised platform at least six (6) inches off the ground, is covered in such manner as to keep the firewood dry, and is solely for personal use and not for commercial use;**

- (3) construction-related materials, unless such materials are directly associated with a valid and active building permit or a licensed and properly zoned contractors' yard;
- (4) landscape material, landscape debris, landscape waste, or other greenery including, but not limited to, grass clippings, leaves, branches, brush, or loose soil;
- (5) merchandise or other products not temporarily displayed and directly associated with the licensed business located on the property or that do not have a valid permit from the city to allow such outdoor storage; or
- (6) any other materials or items unless such materials or items are properly zoned and authorized under the city's zoning code.

8-24-030 Outdoor storage of tires.

It is unlawful, except where permitted by a duly issued license, for any person occupying or owning real estate in the city of Harvey, ~~after said person or owner of such real estate has received a three (3) day cease and desist notice in writing from the city,~~ to allow, permit or maintain, on private property, outside of an enclosed building, the storage of tires unless the tires are stored in racking in accordance with NFPA standards. ~~The outdoor storage of tires is hereby declared a public nuisance.~~

8-24-040 Violation—Penalty.

~~A. It shall constitute a nuisance for any person or any owner of real estate to violate Section 8-24-010, 8-24-015 or 8-24-030 of this code.~~

~~B. Any person, firm, corporation, or other entity~~ Every person or owner of real estate convicted of a nuisance under this chapter shall be punished by a fine of not less than ~~ten dollars (\$10.00)~~ five hundred dollars (\$500.00) nor more than ~~two hundred dollars (\$200.00)~~ two thousand five hundred dollars (\$2,500.00) for each offense. ~~and every~~ Each day such nuisance shall persist after notice to abate has been received shall constitute a separate and distinct offense.

08-24-050 Provisions supplemental.

A. Nothing in this chapter shall be deemed to limit the city's use of any or all means available to remove the nuisance by the Chief of Police, Building Inspectors, or City Administrator, or summarily eliminate

immediate hazards to the public health, safety, or welfare as granted in any ordinances of the city or the laws or Constitution of the State of Illinois.

- B. Whenever a person, firm, corporation, or other entity violates any of the provisions of this chapter, the city may tow vehicles from public property or cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance with this chapter.**
- C. Every act or omission of any nature constituting a violation of any of the provisions of this chapter by a property owner or any officer, director, manager, agent, employee, tenant, contractor, or subcontractor thereof shall be deemed and held to be the act of the property owner, and the property owner shall be punishable in the same manner as if the act or omission had been done or omitted by the property owner personally.**
- D. The restrictions and regulations contained in this chapter shall be interpreted as minimum standards and shall be in addition to any other applicable city ordinances and requirements that apply to outdoor storage on property in the city. If any restriction or regulation in this chapter is found to conflict with any other restriction or regulation in this code, the most restrictive or highest standard shall prevail.**

Section 3. SEVERABILITY. This Ordinance, and its parts, are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance that is declared invalid shall not affect the validity of any other provision of this Ordinance, which shall remain in full force and effect.

Section 4. CONFLICT. If any part of this Ordinance is found to conflict with any other ordinance, resolution, motion, order, or parts thereof, the most restrictive or highest standard shall prevail.

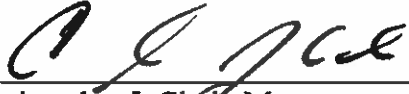
Section 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

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Passed by the City Council of the City of Harvey, Cook County, this 28th day of October, 2024, by the following roll-call vote:

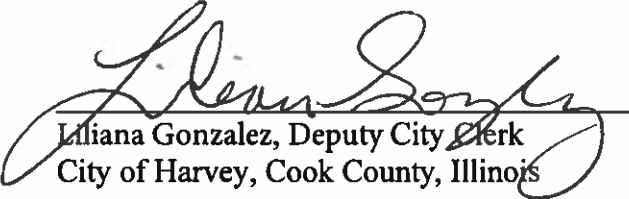
	YES	NO	ABSENT	PRESENT
Drewenski				
Chapman				
Smith				
Key				
Randle El				
Rogers				
Mayor Clark				

Approved by the City of Harvey this 28th day of October, 2024.



Christopher J. Clark, Mayor

ATTEST:



Liliana Gonzalez, Deputy City Clerk
City of Harvey, Cook County, Illinois