



CITY OF WASHINGTON, ILLINOIS City Council Agenda Communication

Meeting Date: May 20, 2024

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

Agenda Item: First Reading Ordinance – Stagnant Pool Water Code Amendment

Explanation: Staff occasionally receives code enforcement complaints about stagnant pool water. Generic language exists in Chapter 96.02 (Nuisances) of City Code regarding the duty to maintain private property and staff has been able to use this as a basis for enforcing property violations. However, having language that specifically addresses stagnant pools of water would assist with the enforcement of such violations. The City has also sought the assistance of the Tazewell County Health Department in addressing these cases.

Similar or identical language exists in the codes of other Illinois municipalities, including the Cities of East Peoria and Pekin. Below is the language that staff would recommend be adopted to address these violations:

“Any stagnant pool of water in the city limits is hereby declared to be a nuisance. No pool shall be allowed to be infested with mosquitoes, vermin or other pests. It shall be unlawful for any person to permit any such nuisance to remain or exist on any property under his or her control.”

The International Property Maintenance Code, which staff recommends adopting through a separate ordinance, also addresses the maintenance of swimming pools, spas, and hot tubs as follows in Section 303.1:

“Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.”

Fiscal Impact: There does not figure to be much additional expenditure as a result of having stronger stagnant pool water language. Staff estimates that 2-3 complaints are received annually for stagnant pool water. The City may occasionally have to adjudicate such cases with the City’s Hearing Officer to seek abatement.

Action Requested: Approval of the code amendment pertaining to the handling of stagnant pool water. A first reading ordinance is scheduled for the May 20 City Council meeting and a second reading will be scheduled for the June 3 meeting.

ORDINANCE NO. _____

(Synopsis: Approval of this ordinance would insert language to declare stagnant swimming pool water a nuisance.)

AN ORDINANCE AMENDING CHAPTER 96 OF THE CITY CODE TO CODIFY STAGNANT SWIMMING POOL WATER AS AN ENUMERATED NUISANCE

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 Council has determined that allowing water to stagnate in a swimming pool is a nuisance; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Code to codify such a nuisance.

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 Section 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 ($\frac{1}{2}$) 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) Filling or blocking of creek tributaries, rivers, and other waterways with garbage, debris, or other materials, any of which may impact the quality of the water source or the ability of water to flow through the water source.
- (16) **Stagnant swimming pool water or hot tub water. Any stagnant pool of water remaining or existing in a swimming pool or hot tub located in the city limits is hereby declared to be a nuisance. No such pool of water shall be allowed to be infested with mosquitoes, vermin, or other pests. It shall be unlawful for any person, firm, or corporation to permit any such nuisance to remain or exist on any property under his, her, or its control.**
- (17) ~~(16)~~ 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: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section 4: If any provision of this ordinance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

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

PASSED AND APPROVED this _____ day of _____ 2024.

AYES: _____

NAYS: _____

ATTEST:

MAYOR

CITY CLERK