

# VILLAGE OF WAYNE CITY

## ORDINANCE NO. 587

### ORDINANCE AMENDING ORDINANCE NO. 582 AN ORDINANCE PROHIBITING STORAGE OF CARGO CONTAINERS AND SHIPPING CONTAINERS

WHEREAS, the Village of Wayne City is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Village of Wayne City staff and members of the Board of Trustees have observed a rise in the use of cargo containers (a/k/a shipping containers) on private property for storage purposes;

WHEREAS, such cargo containers constitute a visual blight;

WHEREAS, the Village Board of Trustees, however, believe that it would be proper for such containers to be used temporarily for storage purposes;

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Wayne City, Wayne County, Illinois:

**Section 1:** The foregoing recitals are incorporated herein as findings of the Board of Trustees of the Village of Wayne City, Illinois;

**Section 2:** Ordinance No. 582 is hereby amended, repealed and replaced by this Ordinance.

**Section 3:** Except as provided in Section 5 herein, it is hereby prohibited: To place, cause, permit or store a cargo container (a/k/a shipping container) on any property, except for public property (not including a public highway or right of way) owned and used by a unit of local government. Cargo container is defined as a unit or container which is intended to be used

primarily for shipping goods or materials within an enclosed container on highways, rail lines or waterways or consisting of a truck compartment or trailer.

**Section 4:** Except as provided in Section 5 herein, it is hereby declared to be a nuisance: To place, cause, permit or store a cargo container (a/k/a shipping container) as defined in this Ordinance, on any property, except for public property (not including a public highway or right of way) owned and used by a unit of local government. This nuisance shall be abated pursuant to all available remedies.

**Section 5:** A person or entity may use a cargo container, as defined in this Ordinance, for storage purposes for a period not to exceed 30 days within any 12-month period. If a person or entity deems it necessary to use such a cargo container for a period longer than the 30 day period, they must apply in writing with the Village Clerk seeking permission from the Board of Trustees to continue using the cargo container as storage. The person or entity must set forth in writing what extenuating circumstances exist for granting a variance. The person or entity must file a written application with the Village Clerk within the initial 30-day period. Upon receipt of such written application, the Village Clerk shall, as soon as reasonably practicable, set a date for the hearing before the Board of Trustees. The hearing shall be either at a regularly scheduled Board of Trustees meeting or at a special meeting of the Board of Trustees. The Board of Trustees may, in their discretion, grant a variance and allow the person or entity to use the said cargo container for a period longer than the 30-day period. All enforcement of this Ordinance shall be stayed pending said hearing and determination by the Board of Trustees.

**Section 6:** Violations. Violations of this Ordinance may be enforced in the same manner as any other ordinance violation case. Whoever violates any provision of this Ordinance shall be fined not more than \$750.00 for each violation thereof, and every day the violation continues

shall constitute a separate offense.

**Section 7:** Ordinance No. 582 and any other Ordinances that are in conflict with this Ordinance are hereby repealed and replaced with the terms of this Ordinance.

**Section 8:** Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

**Section 9:** The President and Village Clerk are hereby authorized respectively to execute and attest such other documents as may be necessary to accomplish the purposes herein authorized.

**Section 10:** Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

AYES: Wood, Noe, McKinney.

NAYS: Piper

ABSENT: Austin Simpson

ABSTAIN: \_\_\_\_\_

PASSED this 3<sup>rd</sup> day of August, 2020.

Staci Choate

STACI CHOATE, Village Clerk

APPROVED this 3<sup>rd</sup> day of August, 2020.

Rocky Hedden

ROCKY HEDDEN, Village President

ATTEST:

Staci Choate

STACI CHOATE, Village Clerk