

CHAPTER 2  
NUISANCE TREES, WEEDS, AND OTHER NUISANCE PLANTS

[2008 ORDINANCE]

4-2-1: Weeds Declared a Nuisance Height Restriction:

- A. Without in any way limiting the term “noxious weeds” by the enumeration that follows, all noxious weeds, including but not limited to: burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock, wild hemp, and weeds which due to pollination are a menace to health and weeds otherwise injurious to public health or welfare, are hereby declared to be a public nuisance.
- B. It shall be unlawful for anyone to permit any noxious weeds, grass, or other plants to grow to a height exceeding twelve inches (12”) on any platted lot in the Village; and any such noxious weeds, grass or other plants as described above exceeding such maximum height are hereby declared to be a nuisance (hereinafter referred to as “nuisance plants”) and are prohibited, provided, however, that this height restriction shall not be applicable to (i) trees, bushes, flowers, or other ornamental plants; (ii) any vegetation on publicly-held open space, parks, preserves, and other public places; or (iii) any vegetation on any privately-owned community association open space, parks, preserves, and/or common areas.

4-2-2: Removal Required:

It shall be unlawful for any person owning or controlling any real estate within the corporate limits of the Village to permit the growth thereon of nuisance plants as defined in Section 4-2-1 of this Chapter. All such nuisance plants shall be cut and removed by the owner(s), occupant(s), and/or other person in control of said real estate at least four (4) times each year as follows:

- Once before May 15
- Once before June 15
- Once before July 15
- Once before August 15

The failure to cut and remove nuisance plants within the designated time periods as set forth above shall constitute a violation of this Chapter.

4-2-3: Enforcement:

- A. The owner and/or occupant of any real estate within the corporate limits of the Village shall be responsible for and shall cause the cutting and removal of nuisance plants as defined in Section 4-2-1 above, the trimming and/or the removal of nuisance bushes and/or trees.

- B. Abatement by Village: The officers, employees, and agents of the Village are hereby authorized to enter upon private property to inspect such property for violations of this Chapter and/or for the purpose of abating such violations.
- C. Costs As A Lien: The Village President, or his or her designee, may cause the cutting of nuisance plants as defined in Section 4-2-1 above, the trimming and/or the removal of bushes and trees when the owner(s) of real estate refuse or neglect to trim, and/or remove them (“nuisance bushes and trees”) and to collect from the owner(s) of private property the reasonable cost thereof. This cost incurred shall be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within sixty (60) days after such cost and expense is incurred, the Village or person performing the service by authority of the Village, in his or its own name, files notice of lien in the Office of the Recorder in the county in which such real estate is located. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the Village. However, the lien of such Village shall not be valid as to any purchaser whose right in and to such real estate have arisen subsequent to the cutting and removal of nuisance plants, or subsequent to the trimming and/or the removal of nuisance bushes or trees, and prior to the filing of such notice, and the lien of the Village shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The cost of the cutting, trimming, and/or removal of nuisance plants, trees, and/or bushes shall not be a lien on the real estate affected unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year, or if the property is exempt from real estate taxes, to the owner of record. The notice shall be delivered or sent after the cutting, trimming, and/or removal of nuisance plants, trees, and/or bushes on the property. The notice shall state the substance of 65 ILCS 5/11-20-7 and the substance of any ordinance of the Village implementing this Chapter and shall identify the property, by common description, and the location of the nuisance plants, trees, and/or bushes to be cut.
- D. Penalties: Any person, corporation, partnership, association, or other entity who or which violates any of the provisions of this Article A shall be guilty of an offense punishable by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each day that any violation of this Article A shall continue shall constitute a separate offense.