ORDINANCE NO. 2020-20

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING TITLE V – HEALTH AND SANITATION, CHAPTER 4 - VEGETATION, ARTICLE A - WEEDS OF THE VILLAGE CODE OF ORDINANCES

WHEREAS, the Village of Poplar Grove, Illinois ("Village") has adopted a Village Code of Ordinances ("Code"); and

WHEREAS, Title V – Health and Sanitation, Chapter 4 – Vegetation, Article A – Weeds of the Code governs weeds on properties within the Village; and

WHEREAS, the Village desires to amend various sections of Article A as set forth herein; and

WHEREAS, the Village has determined such amendments are in the best interest of the Village and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Poplar Grove, Illinois as follows:

Section 1: The above recitals are incorporated herein and made a part hereof.

Section 2: That Section 5-4A-2 of the Village of Poplar Grove Code of Ordinances entitled "Definitions" is hereby amended to read as follows (deletions shown as strikethroughs and new language as bold and underlined):

"Section 5-4A-2 DEFINITIONS.

~~*Noxious weeds*. All weeds which are defined by 505 Illinois Compiled Statutes 100/2.~~

Nuisance weeds. **Nuisance weeds shall include, but are not limited to, noxious weeds as defined by 505 ILCS 110/2,** ~~The following weeds shall be declared a nuisance.~~ giant ragweed (Ambrosia trifida), common ragweed (Ambrosia artemisiifolia), orchard grass (Dactyles glomerata), timothy (Phlem pratense), redtop grass (Agrostis alba), Bermuda grass (Cynodon ractylon), pigweeds (Amaranthus sp.), goosefoot (Chenopodium sp.)**, any other plants not deliberately cultivated, and** Aall plants or grasses as described in subsection 5-4A-3B of this article.

~~*Weeds*. Any plants if in any specified geographical area, its populations grow entirely or predominately in situations markedly disturbed by man without being deliberately cultivated plants.~~

Section 3: That Section 5-4A-3 of the Village of Poplar Grove Code of Ordinances entitled "Enforcement" is hereby amended to read as follows (deletions shown as strikethroughs and new language as bold and underlined):

"Section 5-4A-3 ~~ENFORCEMENT~~**COMPLIANCE**.

A. Mowing. **Any owner or owners of any property shall be required to** ~~To~~ mow, trim, remove, eradicate or control **N**~~n~~uisance ~~and noxious~~ weeds, **grass or plants** including, but not limited to, **mowing and** trimming along any and all edges where such **N**~~n~~uisance ~~and noxious~~ weeds are located on ~~the premises of~~ any **property** ~~lot or tract of land~~**, including the areas in the adjacent right of way, with**in the Village limits of Poplar Grove.

B. Unlawful Height. It shall be unlawful for **any owner or owners of any developed residential, commercial, or industrial property** ~~a person~~ to permit any **Nuisance** weeds, grass or plants to grow to a height exceeding seven inches anywhere within the Village limits. Any such **Nuisance** weeds, **grass or plants** ~~plants or grass~~ shall be declared a nuisance. **Any owner or owners of undeveloped residential, commercial, or industrial property shall cause the undeveloped property to be mowed four times a year, which shall occur on or before May 20, June 30, August 15, and September 30 of each year. The seven-inch height limit shall not apply to cultivated trees.**

C. Exceptions. Subsections A and B of this section shall not apply to the following:

1.Natural Landscaping with Native Plantings. The use of native plant species for aesthetic and/or wildlife reasons.
2.Wildlife Plantings. The use of native and/or introduced plant species to attract and aid wildlife.
3.Erosion Control. To offset and control any soil loss problems both occurring or predicted including, but not limited to, areas designated for stormwater retention.
4.Soil Fertility Building. The enrichment and eventual stabilization of soil fertility through the use of various plant species.
5.Governmental Programs. Any federal, state or local programs which require the unimpaired growth of plants during a majority or all of the growing season.
6.Educational Programs. Any areas designated for educational studies.
7.Cultivation. Any plant species or group of plant species native or introduced, grown for consumption, pleasure or business reasons.
8.Biological Control. The planting of a particular plant species or group of species which will effectively out compete and replace a noxious or troublesome weed species without additional soil disturbance of the site.
9.Parks and Open Space. Any and all bona fide public parks and open space lands, be they under the jurisdiction of federal, state, or local agencies including private conservation/preservation organizations.
10.Wooded Areas. All areas that are predominately woods.
11.Agricultural Property. Property that is zoned in the Agricultural/ Rural District (A-1).

D. Refusal to Mow. It shall be unlawful for the owner or owners of **any property** ~~such lots~~ to fail or refuse to mow in accordance with the requirements established in this section and each day that the said owner is in violation of this section shall constitute a separate offense. **Notice of violations shall be posted or mailed as set forth in the following table:**

Property Type	Notice
Residential – Developed and occupied	**48-hour notice posted on property**
Residential – Developed and vacant	**5-day notice mailed to last known owner of record**
Commercial/Industrial – Developed and occupied or vacant	**5-day notice mailed to last known owner of record**
Commercial/Industrial/Residential – Undeveloped	**5-day notice mailed to last known owner of record**

E. Abatement; Lien. In addition to any of the remedies provided herein **or by law**, the Village may cause the **Nuisance** weeds**, grass or plants** to be cut **or mowed** and a lien **for the removal costs** placed upon the property in violation, in accordance with 65 Illinois Compiled Statutes 5/11-20-7. **Upon failure of the property owner or owners to mow any property after receiving proper notice, the Village Public Works Director, or their designee, may mow any such property in violation of this section.**

F. Penalty. Failure to comply with any of the requirements of this section shall constitute a violation; and any person upon conviction thereof, shall be fined not less than $50.00 nor more than $200.00[WG1] for each offense. Each day the violation continues shall be considered a separate offense. **Such fines shall be in addition to any removal costs incurred by the Village or administrative fee imposed by the Village.**

G. Expenses. In addition to the charges for cutting, removing, and trimming said Nuisance weeds, grass or plants there shall be an administrative fee of $150.00 imposed by the Village. The expense incurred by the Village in cutting, removing and trimming said Nuisance weeds, grass or plants shall be charged to and paid by the owner or owners of any property and shall be collected by the Village by suit or any other manner allowed by law and shall be in addition to any fine or penalty imposed. The rate charged by the Village for cutting, removing and trimming shall be $100.00 [WG2]per property plus any additional hourly costs for services incurred by the Village for property that takes over one hour to cut, remove or trim said Nuisance weeds, grass or plants.

Section 3: Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: This ordinance shall be in full force and effect after its approval, passage, and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2020

AS FOLLOWS:

VOTING “AYE”: _____

_____

VOTING “NAY”: _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED_____, 2020

ATTEST:

_____ _____

CLERK PRESIDENT