ORDINANCE NO. 2022-15

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS AMENDING TITLE 5—HEALTH AND SANITATION OF THE VILLAGE'S CODE OF ORDINANCES

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

WHEREAS, the Village of Poplar Grove has enacted an ordinance regulating the length of nuisance weeds, grass and plants and providing notice periods for posting violation notices for unlawful nuisance weed, grass and plant height; and

WHEREAS, the current Code of Ordinances, Title 5, "Health and Sanitation", Chapter 4 "Vegetation", Section 5-4A-3, "Compliance", provides for the mowing, trimming and removal of nuisance weeds, grass and plants over 7 inches in height and establishes a 5-day notice period for vacant developed residential property for mailing violation notices to the last known owner of record for unlawful nuisance weed, grass and plant height; and

WHEREAS, the Board of Trustees and Village President of the Village desire to reduce the unlawful nuisance weeds, grass and plant height for vacant developed residential property from 7 inches to 5 inches; and

WHEREAS, the Board of Trustees and Village President of the Village desire to reduce the notice period for mailing violation notices to the last known owner of record for the cutting of unlawful nuisance weeds, grass and plant height for vacant developed residential property from 5-days to 3-days; 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 Village President and Board of Trustees for the Village of Poplar Grove, Illinois, as follows:

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

2. That Title 5—Health and Sanitation, Chapter 4— Vegetation, Section 5-4A-3— Compliance of the Village's Code of Ordinances shall be amended to read as follows (language to be stricken shown as ~~strikethrough~~, language to be added shown as **<u>bold and underlined</u>**):

   "5-4A-3: COMPLIANCE.

   A. Mowing. Any owner or owners of any property shall be required to mow, trim, remove, eradicate or control Nuisance weeds, grass or plants including, but not limited to, mowing and trimming along any and all edges where such Nuisance weeds are

located on any property, including the areas in the adjacent right of way, within the Village limits of Poplar Grove.

B. Unlawful Height. **Except as otherwise provided in this subsection B. Unlawful Height,** ~~I~~it shall be unlawful for any owner or owners of any developed residential, commercial, or industrial property to permit any Nuisance weeds, grass or plants to grow to a height exceeding seven inches anywhere within the Village limits. **It shall be unlawful for any owner or owners of developed vacant residential property to permit any Nuisance weeds, grass or plants to grow to a height exceeding five inches anywhere within the Village limits.** Any such Nuisance weeds, grass or plants 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 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~~ **3-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 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 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.

3. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this ordinance.

4. 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.

5. 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 _____, 2022

AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER _____

_____

APPROVED_____, 2022

ATTEST:

_____   _____
CLERK   PRESIDENT