

FROM VILLAGE CODE TITLE 6 CHAPTER 2 NUISANCES

PURPOSE OF CHANGE TO CODE: To clarify expectations of proper maintenance of weeds and grass.

6-2-2-7: WEEDS AND HIGH GRASS:

1. To permit the growth upon any premises of any noxious weeds, except as hereinafter provided. Canada thistles and all of its varieties, perennial sow thistles, European bindweed, leafy spurge, Russian Knapwood, Johnson grass, giant foxtail, hoary cress, jimson, burdock, cockleburrs, ragweed, goldenrod and similar weeds and all weeds which, due to pollination, are a menace to health are, for the purposes of this Section, defined to be noxious weeds. It shall be unlawful for any person owning, leasing, occupying or controlling any plot of real estate to permit the growth of noxious weeds thereon except when the real estate is a wetland designated by the Army Corps of Engineers or a natural area otherwise protected by law, or as hereinafter provided.

2. All weeds shall be pulled or otherwise destroyed by the owner, lessee, tenant, occupant or person in control of said real estate whenever said weeds shall exceed eight inches (8") in height ~~but in no event less often than twice a year, once between June 15 and July 1, and once between August 1 and August 15 of each year.~~ The failure to destroy such weeds of the height specified ~~or within the designated periods~~ shall constitute a violation of this Section. The pulling or destruction of the weeds shall be in accordance with the following standards:

Explanation of Amendment: The property owners feel they do not need to address weeds unless in this period of time. Weather dependent weeds can be overgrown in May.

1) In the event the tract of real estate on which such weeds are located shall be vacant real estate, but being agriculturally cultivated with crops for sale or for human consumption, the owner, lessee, tenant, occupant or person in control of said real estate shall be required to pull or otherwise destroy those weeds located within thirty feet (30') of the perimeter of said real estate.

2) In the event the tract of real estate on which such weeds are located shall not exceed five (5) acres and shall be vacant and not contain any agriculturally cultivated crops for sale or consumption, the owner, lessee, tenant, occupant or person in control of said real estate shall be required to pull or otherwise destroy those weeds on the entire tract.

3) In the event the tract of real estate on which such weeds are located shall exceed five (5) acres in area and shall be vacant real estate, the owner, lessee, tenant, occupant or person in control of said real estate shall be required to pull or otherwise destroy those weeds located within thirty feet (30') of the perimeter of said real estate.

2a. The height of natural grass **and or weeds** shall not be greater than 8 inches in height. This maximum height shall be maintained at all times. ~~Enforcement shall be conducted as that required for weed control in this section.~~ (Ord. 4160, 8-7-06)

3 An authorized Village official or representative thereof shall serve or cause to be served a notice or citation upon any person owning, leasing, occupying or controlling any real estate within the Village upon which such a nuisance is found to exist, requiring them or any of them to remove the weeds and/or high grass constituting such nuisance within twenty-four (24) hours. The notice or citations will be served in one of the following manners;

(a) By a written notice sent by United States certified mail, postage prepaid, to the last known person owning, leasing, occupying or controlling the real estate and as to the owner the notice may be addressed to the address shown on the most recent tax bill for said real estate.

(b) By general notice addressed to all owners, lessees, occupants or persons controlling real estate printed in a newspaper of general circulation in the Village, which notice shall direct attention to the provisions of this Section and provide that the weeds shall be destroyed and/or tall grass cut not later than ten (10) days after said notice is so printed. Said notice is authorized to be printed once in each month from April through September in each year as the Director of Development Services shall deem necessary.

(c) By a written notice personally delivered by the Village official or representative to the person owning, leasing, occupying or controlling the real estate.

(Ord. 4407, 9-2-08)

4. In the event any person so notified shall fail or refuse to comply with said notices or citations, it shall be lawful for the Village to cause such weeds and/or tall grass to be removed or cut down in any manner it shall designate, and to charge the cost of such removal to any person owning, leasing, occupying or controlling such real estate. The cost for so doing shall be calculated on the basis of administration fee of five hundred dollars (\$500.00) plus actual cost of weed and/or tall grass removal. (Ord. 4407, 9-2-08)

5. The cost and expense incurred by the Village, and/or by the person or firm performing the service by authority of the Village, in the abatement of the nuisance following the refusal or failure of the responsible party to abate the nuisance, including reasonable attorney's fees, shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by statute. The Village shall provide notice of the lien either by personally serving or sending notice 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. (Ord. 4407, 9-2-08)

6. Any commercial or residential property within the Village that has been previously issued a notice or citation under this section within the same calendar year will be considered a repeat offender and the Village will have the authority to abate the nuisance without additional prior notice, and the real estate property owner will have a lien placed upon this property per the above stated procedures. Notice of the lien shall be sent as in (5) above. (Ord. 4407, 9-2-08)