

# MILTON TOWNSHIP BOARD

ORDINANCE NO. O-11-8

## MILTON TOWNSHIP NUISANCE WEED, GRASS, BUSH AND TREE ORDINANCE

### AN ORDINANCE PROVIDING FOR THE CUTTING, TRIMMING AND REMOVAL OF GRASS, WEEDS, BUSHES AND TREES.

WHEREAS the Illinois Township Code (60 ILCS 1/105.15, et. Seq.) provides that the township board may provide for the cutting of weeds or grass, the trimming or trees or bushes and the removal of nuisance bushes or trees on any real estate in residential areas of the Township; and

WHEREAS the Milton Township Board has determined that it would be in the best interest of the Township to so provide;

NOW THEREFORE, BE IT ORDAINED by the Township Board of Milton Township, DuPage County, Illinois, in regular session assembled:

#### SECTION 1: Definitions.

The following words, terms and phases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, otherwise they shall have their usual and customary meanings.

“Weeds” shall include but not be limited to any and all forms of vegetation that are not normally or traditionally planted or desired in residential lawns.

“Grass” shall include but not be limited to any and all forms of bladed vegetation that are normally or traditionally planted or desired in residential lawns.

“Bushes” shall include any low woody perennial plant or shrub.

“Trees” shall include all woody perennial plants having a single usually elongate stem with few or no braches on its lower part, whether deciduous or evergreen.

“Nuisance Bushes or Trees” shall include any and all bushes or trees which originate on private property that are piled or placed in or on the rights of way of Milton Township streets.

“Unincorporated Areas” shall include all areas of Milton Township not within the corporate boundaries of a municipality.

SECTION 2: All grasses or weeds growing to a height exceeding eight (8) inches found to be growing on any real estate in residential areas of the unincorporated areas of Milton Township, are hereby declared to be a nuisance, and it shall be unlawful to permit such grasses or weeds to grow or remain on said real estate.

SECTION 3: All nuisance bushes or trees are hereby declared to be a nuisance, and it shall be unlawful to permit such nuisance bushes or trees to remain on the Township right of way.

SECTION 4: All trees or bushes that are dead, broken, damaged, or overgrown and which by nature of their dead, broken, damaged or overgrown state pose a threat to the health, safety or welfare of the citizens of Milton Township, are hereby declared to be a nuisance, and it shall be unlawful to permit such trees or bushes to grow or remain on said real estate.

SECTION 5: Required Notice to Owner

- (a) Whenever a nuisance exists as defined in the foregoing Sections, the Supervisor or the Clerk of the Township may serve or cause to be by mail upon the owner or the appropriate owners association a notice to abate such nuisance and requiring the abatement thereof on or before a date certain, but in no case sooner than seven (7) days from the date of such notice.
- (b) Such notice shall also advise that, in the event such nuisance is not abated by the date specified, the Township or its contractor may cut or remove the grass, weeds, bushes or trees that constitute the nuisance.
- (c) If upon reasonable search, the identity or whereabouts of the owner(s) cannot be ascertained then the notice may be mailed to the person or entity in whose name the real estate was last assessed.

SECTION 6: Enforcement by Township

- (a) If the nuisance is not abated in accordance with Section 5, above, the Township shall have the right, but not the obligation, to have Township employees or an independent contractor cut or remove the grass, weeds, bushes or trees that constitute the nuisance and to collect from the owner(s) all reasonable costs and expenses incurred in the cutting or removal.
- (b) Annually, the Milton Township Highway Commissioner shall establish a reasonable rate for labor, vehicles, equipment, and disposal costs to recompense the Highway Commissioner for the cost of work performed by his employees. The Commissioner may, but is not required to, use prevailing wage rates established by the Illinois Department of Labor as well as vehicle and equipment rental and waste disposal rates common in the Township.
- (c) Independent contractors, whose hiring is at the discretion of the Township Supervisor, may be used to perform the work and the amounts paid therefore, together with any other costs set forth herein, shall be included in the cost.
- (d) Costs and expenses shall include, but are not limited to, the cost of supervision by a Township employee and if deemed necessary the costs of security and peace keeping as requested by the Township and provided by Sheriff's Special Police deputies assigned to Milton Township.
- (e) All costs and expenses incurred by the Township for the cutting or removal of the grass, weeds, bushes or trees shall constitute a lien upon the subject real estate superior to all other liens and encumbrances except tax liens if within sixty (60) days after such cost or expense is incurred the Township files a notice of lien in the office

of the Recorder of Deeds of DuPage County.

- (f) Said notice of lien and any release thereof shall comply with the provisions of 60 ILCS 105-15(b).
- (g) The lien provided for in this Section may be foreclosed in the manner provided by law in any court of competent jurisdiction. Reasonable attorneys' fees and costs as well as other expenses incurred by the Township with respect to the filing and foreclosure of the lien shall be taxed against the owner(s) of the real estate.
- (h) In addition to any lien or foreclosure action related thereto, the Township may institute a civil action or proceeding to recover the amount of money owed for any services performed pursuant to Section 6 (a). Reasonable attorneys' fees and costs as well as other expenses incurred by the Township with respect to the filing and prosecution of said action or proceeding shall be taxed against the owner(s) of the real estate.

SECTION 7: That if any section, subdivision, or sentence of this ordinance shall for any reason be held invalid it shall not affect the validity of the remaining parts of this ordinance.

SECTION 8: This Ordinance shall take effect upon passage by the Milton Township Board and publication as provided by law and may be cited as the Milton Township Weed and Grass Ordinance.

SECTION 9: Upon this Ordinance taking effect, Ordinance No. O-98-03 is repealed in its entirety.

ADOPTED this 13<sup>th</sup> day of December, 2011, pursuant to a roll call vote by the Township Board of MILTON TOWNSHIP, DuPage County, Illinois.

<b><u>TOWNSHIP BOARD</u></b>	<b><u>AYE</u></b>	<b><u>NAY</u></b>	<b><u>ABSENT</u></b>
James D. Flickinger, Trustee	<u>  X  </u>	<u>      </u>	<u>      </u>
Sal Falbo, Trustee	<u>  X  </u>	<u>      </u>	<u>      </u>
Christopher M. Edwards, Trustee	<u>  X  </u>	<u>      </u>	<u>      </u>
Marie A. Jensen, Trustee	<u>  X  </u>	<u>      </u>	<u>      </u>
O. Chris Heidorn, Chairman	<u>  X  </u>	<u>      </u>	<u>      </u>

*Gail P. Hinkle*

*O. Chris Heidorn*

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(Township Clerk)

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(Chairman)