

MILTON TOWNSHIP BOARD

Ordinance No. Q-98-3

An Ordinance of the Township of Milton, County of DuPage, Illinois

**PROVIDING FOR THE CUTTING OF WEEDS ON REAL ESTATE
IN UNINCORPORATED AREAS IN MILTON TOWNSHIP**

Be, And is Hereby Ordained by the duly elected Trustees and Supervisor of Milton Township in regular session assembled:

Section 1. This Ordinance, consisting of nine (9) Sections, inclusive, is hereby adopted and enacted.

Section 2. All provisions of this Ordinance shall be in full force and effect from and after the 1st day of June, 1998.

Section 3. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

"Noxious weeds" means and includes, but is not limited to, jimson, burdock, ragweed, cocklebur, Canada thistle (*cirsium arvense*) and all of its varieties, perennial sow thistles (*sonchus arvensis*), European bindweed (*convolvulus arvensis*), European barberry (*barberis vulgaris*), leafy spurge (*tithyalus esula*), Russian knapweed (*centura repens*), hoary cress (*lepidium draba*), milkweed, dandelion, and like weeds.

"Noxious weeds" also means and includes any plant which is determined to be injurious to public health, crops, livestock, land or other property, pursuant to the Illinois Noxious Weed Law (505 ILCS 100/1-100/24).

Section 4. All noxious weeds, and any other weeds, grass, or plants growing to a height exceeding eight (8) inches, found growing on any real estate in unincorporated areas in Milton Township, are hereby declared to be a nuisance, and it shall be unlawful to permit such weeds or other plants to grow or remain on any such real estate.

Section 5.

(a) Whenever any noxious weeds or any other weeds, grass or plants are found to be growing upon any real estate in residential areas of Milton Township in violation of any of the restrictions imposed by this Ordinance, the Supervisor or the Clerk of the Township shall serve or cause to be served by mail upon the owner or the appropriate owners association a notice to abate such nuisance, requiring the abatement thereof within seven (7) days after the date of such notice, which shall include notice of the intended cutting of the weeds by the Township or person(s) contracted by the Township for such purpose if the weeds are not cut by a date certain, which shall be no sooner than seven (7) days after the date of such notice.

(b) If, upon diligent search, the identity or whereabouts of the owner of any such real estate cannot be ascertained, then the notice to abate provided for in this Section shall be mailed to the person whose name such real estate was last assessed.

Section 6.

(a) If the violation is not abated in accordance with Section 5 above, then the Township shall have the right, but not the obligation, to have Township employees or an independent contractor cut, mow, or otherwise destroy the weeds and/or plants constituting the violation, and to collect from the owner the reasonable cost and expense of cutting the weeds and/or plants.

(b) All costs and expenses incurred by the Township for causing the cutting, mowing or destruction of the weeds and/or plants shall constitute a lien upon the real estate affected, superior to all other liens and encumbrances except tax liens, if, within sixty (60) days after such cost and expense is incurred, the Township or independent contractor performing the service by authority of the Township in his or its own name files a notice of lien in the office of the Recorder of the county in which the real estate is located. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when the cost and expense was incurred by the Township. However, the lien of the Township shall not be valid as to any purchaser whose rights in and to the real estate have arisen after the weed-cutting and before the filing of the notice of lien, and the lien of the Township shall not be valid as to any mortgagee, judgment creditor or other lienholder whose rights in and to the real estate arise before the filing of the notice. Upon payment of the cost and expense by the owner or person(s) interested in the property after the notice of lien has been filed, the lien shall be released by the Township or person in whose name the lien has been filed. The release may be filed of record as in the case of filing a notice of lien.

(c) The lien provided for in this Section may, in the discretion of the Township, be foreclosed, in the manner provided by law, in any court of competent jurisdiction. Reasonable attorney's fees and costs and expenses incurred by the

Ordinance No. 0-98-3

Township with respect to the filing and foreclosure of the lien shall be taxed against the owner of, or person(s) interested in, the real estate.

Section 7. All Ordinances or parts of Ordinances of Milton Township in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. Nothing contained in this Ordinance shall preempt the authority of any person, agency, or other entity in its obligation to abate noxious weeds, as set forth in the Illinois Noxious Weed Law (505 ILCS 100/1-100/24).

Section 9. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED by the Township Board of the Township of Milton, DuPage County, State of Illinois this 12th day of May, 1998, on the following roll-call vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Trustee Barbara Murphy	X		
Trustee Ken J. McNatt	X		
Trustee John Garrow			X
Trustee O. Chris Heidorn	X		
Chairman Henry J. Kruse, Jr.	X		

APPROVED this 12th day of May, 1998.

Henry J. Kruse, Jr., Township Supervisor
Chairman of the Milton Township Board

ATTEST: _____
A. Arlene DeMotte, Township Clerk

(SEAL)

Published: _____, 1998