

NAPERVILLE TOWNSHIP  
ORDINANCE NO. T-14-0311-03

**AN ORDINANCE REGULATING WEEDS, GRASS, BUSHES, TREES, AND PONDS**

**WHEREAS**, the Naperville Township ("Township") is a unit of local government operating pursuant to the Illinois Township Code, 60 ILCS 1/1-1 et seq. (the "Township Code"); and

**WHEREAS**, Section 15-105 of the Township Code grants authority to the Naperville Township Board of Trustees ("Board of Trustees") to provide for the cutting of weeds or grass, the trimming of bushes or trees, the removal of nuisance bushes or trees, and the maintenance of a retention pond or detention pond on any real estate in residential areas of the Township; and

**WHEREAS**, the Board of Trustees has determined that it is in the best interests of the Township and its residents to so provide; and

**WHEREAS**, the Township desires to adopt rules and procedures consistent with the Township Code and related legal requirements to ensure that the cutting, trimming, and removal of weeds, grass, bushes, and trees, and the maintenance of retention or detention ponds are carried out in a transparent and consistent fashion.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE NAPERVILLE TOWNSHIP, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION ONE:** The recitals contained in the preamble to this Ordinance are hereby incorporated into this Ordinance as if said preambles were fully set forth within this Section One.

**SECTION TWO – DEFINITIONS:**

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

"Diseased or Infested Bushes or Trees" shall include those trees or bushes, or any part thereof, infected or infested with any of the following diseases or insects: Dutch elm disease, oak wilt disease, Asian long horned beetles, emerald ash borers, gypsy moths, or any other disease or insect infestation which is deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture.

"Hazardous Bushes or Trees" shall include those trees or bushes, or any part thereof, that are dead or partially dead, or which are in an unstable condition, and present a reasonable likelihood of causing physical damage to persons or property.

"Nuisance Bushes or Trees" shall include Diseased or Infested Bushes or Trees, Hazardous Bushes or Trees, and any bushes or trees, or any parts thereof, that interfere with the free use of sidewalks and passageways by the public.

**SECTION THREE - NUISANCES DECLARED:**

It shall be unlawful, and shall constitute a nuisance, for any person or entity to permit: (i) any weeds, grass, or plants, other than trees, bushes, flowers, shrubs, vines, ground cover, or other ornamental plants to grow to a height exceeding eight (8) inches; (ii) Nuisance Bushes or Trees; or (iii) retention or detention ponds to develop noxious or offensive odors, insects, algae blooms, or other unsightly conditions on any real estate in residential areas of the Township, except in any designated nature preserve or conservation area.

**SECTION FOUR - REQUIRED NOTICE:**

A. Whenever a nuisance exists as defined in Section Three above, and the Township Supervisor or Township Clerk have determined that remedial action is necessary, the Township Supervisor or Township Clerk shall notify the owner or appropriate property owners' association of the existence of the nuisance, and inform the owner or association of the Township's intention to cut, trim, or remove the weeds, grass, bushes, or trees, as the case may be, or maintain the retention or detention pond on a date certain if the owner or association fails to take appropriate action to abate the nuisance within seven (7) days of the date of said notice.

B. The notice shall be sent by U.S. mail and addressed to the owner or appropriate property owners' association. If upon reasonable search the identity or whereabouts of the owner or association cannot be ascertained, ~~notice shall be sufficient if mailed to the person or entity in whose name the real estate was last assessed.~~

**SECTION FIVE - ENFORCEMENT:**

A. If the owner or association fails to abate the nuisance within seven (7) days following notice given in accordance with Section Four above, the Township shall have the right, but not the obligation, to have Township employees or an independent contractor hired by the Township cut, trim or remove the weeds, grass, bushes or trees or maintain the retention or detention pond that constitutes the nuisance.

B. In the event the Township is required to abate the nuisance, the Township may collect from the owner or association all reasonable costs and expenses incurred in cutting, trimming, removing or otherwise abating the nuisance in question. The costs and expenses shall include, without limitation, filing fees, recording fees and reasonable attorneys' fees incurred in the preparation and filing of the notice of lien and/or release of lien referenced in subsection C. of this Section 5 and more fully described in 60 ILCS 1/105-15(b).

C. All costs and expenses incurred by the Township in abating the nuisance 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 the cost and expense is incurred, the Township or the person or entity performing the service by the authority of the Township in his or her own name files a notice of lien in the office of the DuPage County Recorder. Said notice of lien, and any release thereof, shall comply with the provisions of 60 ILCS 1/105-15(b).

D. The lien provided for in this Section Five may be foreclosed in the manner provided by law in any court of competent jurisdiction. All costs and expenses incurred by the Township in filing and

foreclosing the lien, including reasonable attorneys' fees and costs, shall be taxed against the owner(s) of the real estate.

E. 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 service performed pursuant to this Section Five, including all costs and expenses in subsection B.

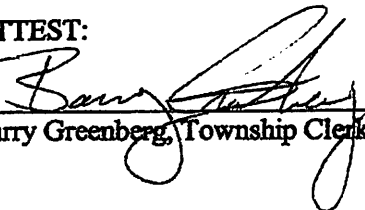
**SECTION SIX:** Any and all policies, resolutions or ordinances of the Township which may conflict with this Ordinance are hereby repealed.

**SECTION SEVEN:** This Ordinance shall be in full force and effect from and after its passage as provided by law and may be cited as the Naperville Township Weed and Grass Ordinance.

PASSED THIS 11<sup>th</sup> day of March, 2014 by roll call vote as follows:

AYES: ~~ANDERSON, ALLEN, OSSYRA, SANTUCCI, WEBSTER~~  
NAYS: NONE  
ABSENT: NONE

  
\_\_\_\_\_  
Rachel M. Ossyra, Township Supervisor

ATTEST:  
  
\_\_\_\_\_  
Barry Greenberg, Township Clerk

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF DUPAGE         )

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Naperville Township, DuPage County, Illinois, and as such I am the keeper of the records and files of the Board of Trustees of said Township.

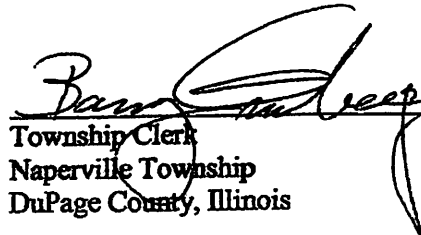
I further certify that the foregoing is a full, true and complete copy of Ordinance No. T-13-0311-03 titled,

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

adopted at a duly called Regular Meeting of the Board of Trustees of the Naperville Township, held at Naperville, Illinois at 6:00 p.m. on the 11<sup>th</sup> day of March, 2014.

I do further certify that the deliberations of the Board on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Township Code of the State of Illinois, as amended, and that the Board has complied with all the provisions of said Act and said Code and with all the procedural rules of the Board.

IN WITNESS WHEREOF I hereunto affix my official signature at Naperville, Illinois, this 11<sup>th</sup> day of March, 2014.

  
Township Clerk  
Naperville Township  
DuPage County, Illinois