

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue)  X \_\_\_\_\_ Waiver of First Requested  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink) \_\_\_\_\_

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: May 10, 2006 (BOT) Date: May 18, 2006

TITLE: Amendments to the Lombard Village Code, Title 9, Chapter 92 (Noxious Weeds/Grasses)

SUBMITTED BY: Department of Community Development *Deft*

BACKGROUND/POLICY IMPLICATIONS:

The Economic and Community Development Committee transmits for your consideration its recommendation relative to the above petition. The Village of Lombard requests amending Title 9, Chapter 92, Sections 92.30 through 92.34 of the Lombard Village Code with regard to Health and Sanitation Regulations (Weeds/Grasses). (ALL DISTRICTS)

The Economic and Community Development Committee recommended approval of this amendment. Staff is requesting a waiver of first reading.

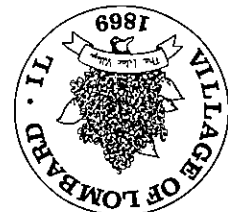
Please place this item on the May 18, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	_____	Date	5/10/06

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Huliseberg, AICP

Director of Community Development

**DATE:** May 18, 2006

**SUBJECT:** Amendments to the Health/Sanitation Ordinance – Noxious Weeds/Grasses

At the March 16, 2006 Village Board meeting, staff presented a number of text amendments to the Village Board for consideration. These amendments pertain to selected sections of the Health and Sanitation and Nuisance Ordinances. After discussion of these amendments, the Village Board referred this matter to the Economic and Community Development Committee (ECDC) for further review and a recommendation. One of these amendments pertains to Section 92.30 through 92.34 – Noxious Weeds/Grasses.

The ECDC considered the proposed amendments set forth within this Ordinance at its May 2, 2006 meeting. The ECDC unanimously recommended that the Village Board approve the attached Ordinance as presented by staff.

**ACTION REQUESTED**

Please place this item on the May 18, 2006 Village Board consideration with a recommendation from the ECDC to approve an Ordinance amending Sections 92.30 through 92.34 of the Village Code. As Code Enforcement staff will be starting the weed lien process for selected properties in the near future, staff recommends the a waiver of first reading of the attached Ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 9, CHAPTER 92 OF THE LOMBARD VILLAGE CODE IN REGARD TO HEALTH AND SANITATION REGULATIONS (WEEDS/GRASSES)

WHEREAS, the Village of Lombard has established and maintains health and sanitation regulations, which are found in Title 9, Chapter 92 of the Lombard Village Code; and,

WHEREAS, the Village finds that Sections 92.30 through 92.34 of the Lombard Village Code should be amended to address noxious weeds and grasses within the Village; and

WHEREAS, the President and Board of Trustees deems it reasonable to periodically review the Lombard Village Code to ensure that the regulations adequately meet the health, safety, and welfare needs of the Village, and make necessary changes when warranted;

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That Title 9, Chapter 92, Sections 92.30 through 92.34 of the Lombard Village Code are hereby revised to read in their entirety as follows (the underlined language representing the additions thereto):

***“WEEDS, GRASSES AND VEGETATION***

**§ 92.30 DEFINITIONS.**

For the purpose of this ~~subchapter~~ ~~Chapter~~ Sections 92.30 through 92.34 of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***WEEDS/GRASSES.*** Canada thistles (*Cirsium arvense*) and all of its varieties, perennial sow thistles (*Sonchus arvensis*), European bindweed (*Convolvulus arvensis*) leafy spurge (*Tithymalus osula*), Russian Knapweed (*Centaura repens*), Hoarycress (*Lepidium draba*), ragweed (*Ambrosia*) and all weeds due to pollination, milkweeds, dandelion, Jimson weed, burdock, cocklebur and the like weeds, as well as all grasses, excepting therefrom trees, shrubs or plant materials permitted by Section 92.33 of the Village Code.

***WEED/GRASS AREAS*** Any lot or parcel of property, or portion of any lot or parcel of property containing in its make up weeds/grasses as defined above.

**§ 92.31 DESTRUCTION OF NOXIOUS WEEDS/GRASSES**

It shall be unlawful for any person, firm, or corporation owning or controlling any lot or parcel of property to permit the growth of weeds/grasses or weed/grass areas in a wild/uncultivated state. All such weeds/grasses or weed/grass areas shall be cut, pulled, destroyed or sprayed with efficient chemical weed-killers by the owner or person in control of said lot or parcel of property so as not to constitute weeds/grasses in a wild/uncultivated state.

**§ 92.32 EXPENSE OF DESTRUCTION.**

When the person, firm, or corporation owning or controlling any lot or parcel of property fails to destroy maintain the weeds/grasses or weed/grass areas growing thereon, so as to prevent said weeds/grasses or weed/grass areas from existing in a wild/uncultivated state, the Village Manager shall cause the weeds/grasses or weed/grass areas to be brought into compliance with this code, and the reasonable expense incurred by the Village in doing so shall be charged against the owner, and may be recovered in an appropriate action at law. (<sup>70</sup> Code, § 6.20.030) (Ord. 1304, passed 8-21-67; Am. Ord. 2356, passed 1-3-80, Ord. 3617, passed 11/5/92) Penalty, see § 92.99

**§ 92.33 ~~XEROSCAPING-XERISCAPING.~~**

In cases where the person, firm, or corporation owning or controlling any lot or parcel of property, landscapes said lot or parcel of property with vegetation native to the region, so as to reduce or eliminate required maintenance, said person, firm or corporation shall provide upon request of the Director of Community Development a landscape plan, including plan box detailing the species of vegetation planted, or other documentation required by the Director to show compliance with section 92.31 of this ~~subchapter~~-Code.

**§ 92.34 LIEN.**

(A) In addition to all other remedies provided by law, the Village may record a lien on the real estate on which the weeds/grasses or weed/grass areas are growing, for the reasonable cost of the cutting, removal, or destruction of such weeds/grasses or weed/grass areas, pursuant to 65 ICS 5/11-20-7, if said weeds/grasses or weed/grass areas are maintained in a wild/uncultivated state.

(B) The Village Manager may, at any time, not less than seven (7) days after having given written notice to the owner of the necessity for destroying properly maintaining such noxious weeds/grasses and/or weed/grass areas, by himself, or by his direction, execute, or cause the execution of a complaint for service of a warrant or summons upon any offending property owner or tenant for failure to ~~cut or destroy~~ maintain such weed/grass or weed/grass areas in accordance

with the provisions of Section 92.31 of this Code and the written notice herein required. Upon a finding of guilt, such owner shall be fined \$25 for the first offense and \$50 for the second offense committed in any one calendar year, and \$100 for each subsequent offense committed in any one calendar year. This procedure may be followed in addition to the lien of the Village for expenses, if it so desires, but a payment in full or such lien by the owner shall constitute a defense to the prosecution hereby commenced."

**SECTION 2:** That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006, pursuant to a roll call vote as follows:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Brigitte O'Brien, Village Clerk