

## ORDINANCE NO. 6352

### AN ORDINANCE AMENDING TITLE 9, CHAPTER 92 OF THE LOMBARD CODE IN REGARD TO HEALTH AND SANITATION REGULATIONS

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

WHEREAS, the Village finds that Sections 92.25 through 92.34 should be amended to address noxious weeds and grasses within the Village; and

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Code to ensure that the regulations adequately meet the health, safety, morals and welfare needs of the Village and make necessary changes when warranted.

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 92.25 through 92.34 are hereby revised to read in their entirety as follows:

#### ***WEEDS, GRASSES, BUSHES, TREES AND VEGETATION***

##### **§ 92.30 DEFINITIONS.**

For the purpose of this subchapter, 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 (*Soncus arvensis*), European bindweed (*Convolvulus arvensis*) leafy spurge (*Tithymalus osula*), Russian Knapweed (*Centaurea repens*), Hoarycress (*Lepidium draba*), ragweed (*Ambrosia*) and all weeds due to pollination, milkweeds, dandelion, Jimson weed, burdock, cockleburs and the like weeds, as well as all grasses, excepting thereform trees, shrubs or plant materials permitted by Section 92.33 of this Village Code.

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

***WILD/UNCULTIVATED*** Weeds/ ~~or~~ weed or grass areas with a height in excess of eight (8) inches above the ground.  
(‘70 Code, § 6.20.010) (Ord. 1304, passed 8-21-67; Am. Ord. 2356, passed 1-3-80, Ord. 3617, passed 11/5/92; Ord. 5860, passed 5/18/06)

**§ 92.31 ~~DESTRUCTION~~ REMEDIATION OF NOXIOUS ~~WEEDS~~ VEGETATION.**

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, or destroyed ~~or sprayed with efficient chemicals~~ by the owner or person in control of said lot or parcel of property so as not to constitute weeds/grasses/bushes/trees in a wild/uncultivated state.

(‘70 Code, § 6.20.020) (Ord. 1304, passed 8-21-67; Am. Ord. 2356, passed 1-3-80, Ord. 3716, passed 11/5/92; Ord. 5860, passed 5/18/06)

Penalty, see § 92.99

**§ 92.32 EXPENSE OF ~~DESTRUCTION~~ REMEDATION.**

When the person, firm, or corporation owning or controlling any lot or parcel of property fails to 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.

(‘70 Code, § 6.20.030) (Ord. 1304, passed 8-21-67; Am. Ord. 2356, passed 1-3-80, Ord. 3617, passed 11/5/92; Ord. 5860, passed 5/18/06) Penalty, see § 92.99

**§ 92.33 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 Code.

(‘70 Code, § 6.20.035) (Ord. 2356, passed 1-3-80, Ord. 3617, passed 11/5/92) Penalty, see § 92.99

**§ 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 ILCS 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 days after having given written notice to the owner of the necessity for destroying properly maintaining such 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 maintain such weed/grass or weed/grass areas in accordance with the written notice herein required. Upon a finding of guilty, such owner shall be fined a minimum of \$25 \$50 with a maximum penalty of \$750 per day per violation. 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. In addition to the amount due, pursuant to the Ordinances of the Village of Lombard, legal fees in the amount of \$200.00, relative to the preparation and recording of this lien claim, as well as actual costs incurred for the recording of this lien, must be paid prior to the issuance of any release of lien.~~  
(‘70 Code, § 6.20.040) (Ord. 1304, passed 8-21-67; Am. Ord. 1408, passed 7-1-68; Am. Ord. 2356, passed 1/3/80; Ord. 5860, passed 5/18/06)

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 \_\_\_\_\_, 2009.

First reading waived by action of the Board of Trustees this 18<sup>th</sup> day of June, 2009.


Passed on second reading this 18<sup>th</sup> day of June, 2009.

Ayes: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

Nays: None

Absent: None

Approved this 18<sup>th</sup> day of June, 2009.

  
William J. Mueller, Village President

ATTEST:

  
Brigitte O'Brien, Village Clerk

Ordinance No. 6352  
Page 4

Published by me in pamphlet form this 19<sup>th</sup> day of June, 2009.