

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager (l)

DATE: January 13, 2010 (B of T) Date: January 21, 2010

TITLE: Lawn Cutting Agreement

SUBMITTED BY: Department of Community Development *WMD*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance amending Title 9, Chapter 92 of the Lombard Code in regard to Health and Sanitation Regulations for the purpose of establishing an organizational lawn cutting program. (DISTRICTS ALL)

Please place this item on the January 21, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):  
 Village Attorney X  
 Finance Director X  
 Village Manager X

Date \_\_\_\_\_  
 Date \_\_\_\_\_  
 Date 1/12/10

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:** David A. Hulseberg, Village Manager *DH*

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** January 21, 2010

**RE:** Lawn Cutting Agreement

Attached for Village Board consideration is a proposed new program intended to provide an alternate method of addressing selected lawn cutting property maintenance activities within the Village. In lieu of hiring contractors to perform cutting services not in compliance with code and recording a lien said properties, the program would provide the opportunity for the Village to enter into a service agreement with non-profit organizations to undertake the cutting activities.

**BACKGROUND**

The Community Development Department Code Enforcement Division tracks properties for non-compliance with the grass cutting provisions set forth within the nuisance code provisions. For properties in which grass or weeds exceed eight inches in height, staff sends advisory letters to the property owners requesting that they remedy this situation. However should such attempts fail, Code allows the Village to enter the property and undertake the cutting activities and subsequently lien the property for the costs incurred for the grass cutting through a lien.

In 2009, the Village undertook 36 cut and lien activities – a substantial rise from prior years and largely attributable to foreclosure activities and market downturns. The cutting service had been done by a Village contractor and the contractor met the demands requested by the Village. However, in further consideration of this ongoing need, staff was made aware of a program undertaken in the Village of Roselle that utilizes Cub Scouts to cut grass on properties. The Village program is intended to be roughly modeled after the Roselle program and the Lombard's Parkway Pride Program.

The proposed Village program would be made available to non-profit social agencies. Should an entity come forward desiring to be a part of the program, they would enter into an agreement to provide grass cutting services, on an as-needed basis by the Village. A copy of a Letter of Understanding is attached to be used as part of the program. Should the organization enter into the agreement and provide the requisite insurance, staff would contact the organization to undertake the cutting activities for selected properties. The costs associated with the cutting activity would be paid by the Village, similarly to

contracted cutting activities. However, organizations such as the Cub Scouts could also utilize this public service for merit badge activities. More complex cutting activities (such as those associated with development activity, on commercial properties or requiring more complex equipment than a standard lawnmower) would still be sent to a private contractor for cutting. The costs paid to the organization would be liened against the respective property, similarly to the private contractor option. It is important to ensure that the lien provision remains as part of the community organizational group. If the organization did not receive payment for cutting activities (i.e., they volunteered to do the work), the Village would be unable to record a lien against the respective property.

**ACTION REQUESTED**

Please place this item on the January 21, 2010 Village Board agenda. Staff recommends that the Village Board adopt the attached ordinance and establishes an Organizational Lawn Cutting Program in the Village.

If you have questions, please contact me.

Date

Contact Name  
Name of Organization  
Address

Re: Letter of Understanding

Dear \_\_\_\_\_:

This correspondence will serve as a Letter of Agreement concerning \_\_\_\_\_ provision of services related to vacant \_\_\_\_\_

property maintenance issues on behalf of the Village of Lombard. The service will only entail grass/weed cutting (hereinafter the "Work") identified to \_\_\_\_\_ by the Village. The Agreement is subject to the following terms and conditions:

1. The \_\_\_\_\_ will utilize their own equipment, manpower, and supervision for this service.

2. \_\_\_\_\_ will function as an independent contractor for the Work. The Village will provide no direction, management or supervision with regard to the methods employed to accomplish the Work.

3. \_\_\_\_\_ will provide and maintain their own

insurance to meet the requirements of the Village of Lombard. \_\_\_\_\_ shall also provide to the Village of Lombard a certificate of insurance which evidences the insurance coverages, and names the Village and its officers, agents and employees as additional insureds with a \$1,000,000 limit. (Attached as Exhibit A)

4. The Village of Lombard shall not be responsible for any bodily injury or property damage that occurs in the grass/weed cutting and the Village of Lombard is not responsible for mowers' injuries.

5. The Village of Lombard will donate to \_\_\_\_\_ for the Work performed in the fixed amount of \$ \_\_\_\_\_.

6. Donations to \_\_\_\_\_ will be in the form of a check made out to \_\_\_\_\_. These donations will be made within three weeks of submission of an activity sheet (Attached as Exhibit B) submitted by \_\_\_\_\_.

Name of Organization \_\_\_\_\_, to the Director of Community Development at the Village of Lombard, 255 E. Wilson Ave., Lombard, IL 60148. The activity sheet shall list the address(es) of the grass/weed cut.

7. The Community Development Department of the Village of Lombard shall provide a list of the properties on a week-to-week basis that are in need of Work. It is anticipated that the Work shall be completed within 10 days of notification (weather permitting). The Work shall be requested on an "as needed" basis and in absence of a request is otherwise not authorized.

8. Either Party reserves the right to cancel this Letter of Understanding within 24 hour notice; which may be given orally or in writing.

Acknowledged and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Group President/Coordinator _____	Name of Group _____
William J. Heniff, AICP Director of Community Development _____	

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

**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 92.32 through 92.34 should be amended to address the use of contractors and other organizations 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 92.32 and 92.34 are hereby revised to read in their entirety as follows:

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

**§ 92.32 EXPENSE OF REMEDIATION.**

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 and/or individuals or organizations directed 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

**§ 92.34 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 costs incurred by the Village and/or its agents for 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) Upon a finding of guilty, such owner shall be fined a minimum of \$50 with a maximum penalty of \$750 per day per violation. 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; Ord. 6352, passed June 18, 2009).

**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 \_\_\_\_\_, 2010.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

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

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2010.