



WHEATLAND TOWNSHIP WILL COUNTY, ILLINOIS

GROWTH OF GRASS AND WEEDS PROHIBITIONS AND REGULATIONS

Prohibitions and regulations pertaining to the growth of
grass and weeds established by the Board of Trustees of
Wheatland Township, Will County, Illinois.

Effective Date: June 12, 2014.

ORDINANCE NO. 14-08-O

AN ORDINANCE PROHIBITING AND REGULATING
THE GROWTH OF GRASS AND WEEDS FOR
WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS

WHEREAS, in furtherance of the protection of the health, safety, and morals and welfare of Wheatland Township and its residents, the Board of Trustees of Wheatland Township, Will County, Illinois, has determined that it is in the interest of Wheatland Township to regulate and prohibit the growth of weeds and grass of a nature or to an extent that would constitute a nuisance, and further that any such nuisance does not detract from the quality of life in areas where such conditions are allowed to exist and spread.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS, THAT:

1 DEFINITIONS

For the purposes of this Ordinance, the following words, terms, phrases and their derivatives shall have the meanings set forth in this Section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number. Additionally, this Ordinance shall be called and may be cited as the “Ordinance Regulating Growth of Grass and Weeds” and is referred to herein as the Ordinance.

“Grass.” Any and all forms of bladed vegetation that are normally or traditionally planted or desired in residential lawns.

“ILCS.” Illinois Compiled Statutes.

“Person.” Any natural person and every firm, partnership, limited liability company, association, corporation or entity of any kind, or any employee, agent, or officer thereof.

“Township.” Wheatland Township, an Illinois Township organized and existing under and by virtue of the laws of the State of Illinois.

“Township Board.” The Board of Trustees of Wheatland Township, Will County, Illinois.

“Weed.” Any and all forms of vegetation that are not normally or traditionally planted or desired in residential lawns.

2 CONSTRUCTION, SCOPE AND SEVERABILITY

2.1 CONSTRUCTION

In the interpretation of this Ordinance, its provisions shall be construed as listed below:

- (a) Where context permits, words in the masculine gender shall include the feminine and neuter genders. Words in the singular number shall include the plural number.
- (b) The word “shall” is always mandatory.
- (c) This Ordinance is in addition to and supplemental to all applicable local, state and federal laws and ordinances including, and without limitation to, “The Illinois Township Code.” 65 ILCS 1/1-1 *et seq.* The meaning of any term, phrase or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase or word as otherwise defined, construed or interpreted in such applicable local, state, and/or federal law or ordinance.
- (d) The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning, construction, or interpretation of any of the provisions of this Ordinance.

2.2 SCOPE

This Ordinance shall apply to and be enforceable within and upon all record fee title owners, beneficiaries of any trust holding title to any real estate, individual(s), partnership(s), firm(s) or corporation(s) owning, leasing, occupying, controlling, or possessing in any manner any real property or who is otherwise responsible for the maintenance of any real property within the Township.

2.3 SEVERABILITY

If any provision of this Ordinance or application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The Township reserves the power to amend or repeal this Ordinance at any time, and all rights, privileges and immunities conferred by this Ordinance, or by acts done pursuant hereto, shall exist subject to such power.

2.4 REPEALER AND EFFECTIVE DATE

Ordinance No. 00-09-O is hereby expressly repealed and any other ordinance or resolution of the Township which is in conflict with or inconsistent with any other provision hereof to the extent of such conflict or inconsistency, is hereby expressly repealed.

This Ordinance shall be in effect June 12, 2014.

3 GENERAL RULES

3.1 PROHIBITION OF EXCESSIVE GRASS AND WEED GROWTH

The Township hereby prohibits all record fee title owners, beneficiaries of any trust holding title to any real estate, individual(s), partnership(s), firm(s) or corporation(s) owning, leasing, occupying, controlling, or possessing in any manner any real property or who is otherwise responsible for the maintenance of any real property within the Township from allowing or permitting:

- (a) the growth to a height in excess of eight (8) inches of any weeds, grass, plants or other vegetation on any real property; or
- (b) the growth of any plant species regarded or capable of classification under the laws of the State of Illinois as a nuisance species.

3.2 EXCEPTIONS

The prohibitions set forth in Section 3.1 shall not apply to:

- (a) trees, bushes, shrubs, flowers; or
- (b) any intentionally cultivated agricultural vegetation; or
- (c) any vegetation cultivated or maintained in an effort to preserve, promote and protect plant species native to Illinois; or
- (d) any vegetation intentionally cultivated or maintained in an effort to reproduce ecosystems or environmental conditions naturally existing.

3.3 ABATEMENT PROCEDURES

- (a) In addition to the penalty provision provided herein, in the event of the refusal or neglect by the owner or owners and/or occupiers of the property to cut, destroy and/or remove nuisance weeds, grass or otherwise comply with the terms of this ordinance, the Township at its sole option and election, may enter upon said premises and correct the violation(s) of this Ordinance at the expense of the owner or owners of the premises. All costs, charges, and expenses resulting from such action shall be the debt and obligation of such owner or owners and/or occupiers of said premises, and shall be payable to the Township. All costs, charges, and expenses incurred or imposed by the Township as a result of

remedying a violation of this Ordinance in the removal or cutting down of such weeds or grasses on such offending real property (including reasonable attorney's fees and costs) shall constitute a lien upon the real estate affected, and a lien shall be enforced as provided by statute.

- (b) Any lien permitted by this Ordinance may be enforced by obtaining a judgment against the owner or owners and/or occupiers of said property for such charges and costs of suit, or by filing a claim for lien therefore in the Recorder's Office of Will County, State of Illinois, giving the description of the property, itemizing the charges and giving the date thereof, and said claim for lien to be supported by affidavit. Said claim for lien and any release thereof shall comply with the provision of 60 ILCS 105-15(b) or any other means provided by law for foreclosure of other statutory liens.
- (c) All remedies provided herein are deemed cumulative so that the use or implementation of one remedy does not bar or preclude the use of any other available legal remedy for such violators.

3.4 NOTICE OF VIOLATION

The Township Enforcement Officer or such other authorized Township official or representative shall serve or cause to be served notice in the event of violation of this Ordinance to remedy the condition according to the terms of this Ordinance upon any person owning, leasing, occupying, or controlling any real estate in the Township. Said notice shall contain language requiring such person to remove or cut down the grass or weeds constituting such nuisance within seven (7) days from the date of the notice. Said notice may be given by the Township by any one (1) of the three (3) following described methods:

- (a) By a written notice sent by United States certified mail, postage prepaid, to the last known person owning, leasing, occupying or controlling the real estate, and as to the owner, the notice may be addressed to the address shown on the most recent tax bill for the real estate; or
- (b) By a written notice personally delivered by the Township Enforcement Officer or such other authorized Township representative to the person owning, leasing, occupying, or controlling the real estate; or
- (c) By posting or tagging a written notice on the property of the person owning, leasing, occupying, or controlling the real estate upon which the violation exists. Said notice shall state the date of the posting or tagging and shall require the removal or cutting down of grass or weeds constituting such nuisance to be completed no later than seven (7) days after the notice has been posted or tagged on said property.


3.5 PENALTY

- (a) In addition to all other remedies available to the Township at law or equity, any person or entity who violates or fails to comply with this Ordinance shall be fined not less than \$50, nor more than \$750 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

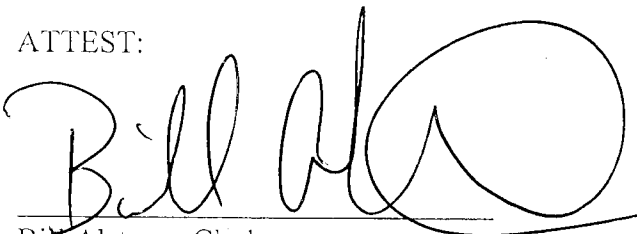
- (b) In addition to the penalties provided above, if any person notified fails or refuses to comply with said notice, the Township may cause weeds or grass to be removed or cut down in any manner it designates as necessary and reasonable to remedy the nuisance, and shall charge the reasonable costs of such removal to the person owning, leasing, occupying or controlling the real estate. The reasonable cost for such cutting or removal shall be calculated on the basis of Ten Dollars (\$10.00) per thousand (1,000) square feet of real estate or fraction thereof, or actual costs of services, whichever is greater, for the first offense, and Twenty Dollars (\$20.00) per thousand (1,000) square feet of real estate or actual costs of services, whichever is greater, for all subsequent offenses. The costs, charges, and expenses incurred or imposed by the Township in the removal or cutting following the refusal or failure of the responsible party to remedy the cited nuisance, and including reasonable attorney's fees and costs, shall constitute a lien upon the real estate affected, and a lien shall be enforced as provided herein.

ADOPTED AND APPROVED this 12th day of June, 2014.

VOTES: Ayes: 5 Nays: 0 Abstain: 0



Chuck Kern, Supervisor
Wheatland Township
Will County, Illinois

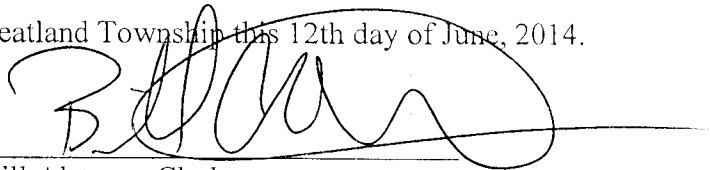
ATTEST:


Bill Alstrom, Clerk
Wheatland Township
Will County, Illinois

State of Illinois)
) SS.
County of Will)

I, BILL ALSTROM, Clerk in and for Wheatland Township, an Illinois township, Will County, Illinois, and keeper of the records and files of said township, hereby certify the foregoing is a true and correct copy of Ordinance No. 14-08-O passed by the Board of Trustees of Wheatland Township, at its meeting held on June 12, 2014.

GIVEN under my hand and seal of Wheatland Township this 12th day of June, 2014.



Bill Alstrom, Clerk
Wheatland Township
Will County, Illinois

(SEAL)