

**ORDINANCE NO. 22-04**

**NUISANCE WEED, GRASS, BUSH AND TREE ORDINANCE**

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

**WHEREAS** the Illinois Township Code, 60ILCS 1/105.15. et. Seq., provides that the township board may provide for the cutting of weeds or grass, the trimming of trees or bushes and the removal of nuisance bushes or trees on any real estate in residential areas of the Township; and

**WHEREAS** the Bloomingdale Township Board has determined that it would be in the best interest of the Township to so provide;

**NOW THEREFORE, BE IT ORDAINED** by the Township Board of Bloomingdale Township, DuPage County, Illinois, in regular session assembled:

**SECTION 1: 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.

“Weeds” shall include, but not be limited to, any and all forms of vegetation that are not normally or traditionally planted or desired in residential lawns.

“Grass” shall include, but not be limited to, any and all forms of bladed vegetation that are normally or traditionally planted or desired in residential lawns.

“Bushes” shall include any low woody perennial plant or shrub.

“Trees” shall include all woody perennial plants having a single usually elongate stem with few or no branches on its lower part, whether deciduous or evergreen.

“Nuisance Bushes or Trees” shall include any and all bushes or trees which originate on private property that are piled or placed in or on the rights of way of Bloomingdale Township streets.

“Unincorporated Areas” shall include all areas of Bloomingdale Township not within the Corporate boundaries of a municipality.

SECTION 2:

All grasses or weeds growing to a height exceeding twelve (12) inches found to be growing on any real estate in residential areas of the unincorporated areas of Bloomingdale Township are hereby declared to be a nuisance, and it shall be unlawful to permit such grasses or weeds to grow or remain on said real estate.

SECTION 3:

All nuisance bushes or trees are hereby declared to be a nuisance, and it shall be unlawful to permit such nuisance bushes or trees to remain on the Township right of way.

SECTION 4:

All trees or bushes that are dead, broken, damaged or overgrown and which by nature of their dead, broken, damaged or overgrown state pose a threat to the health, safety or welfare of the citizens of Bloomingdale Township, are hereby declared to be a nuisance, and it shall be unlawful to permit such trees or bushes to grow or remain on said real estate.

SECTION 5: Required Notice to Owner

- (a) Whenever a nuisance exists as defined in the foregoing Sections, the Supervisor may serve or cause to be served by mail upon the owner of the Appropriate owners' association a notice to abate such nuisance and requiring the abatement thereof on or before a date certain, but in no case sooner than Seven (7) days from date of said notice.
- (b) Such notice shall also advise that, in the event such nuisance is not abated by the date specified, the Township or its contractor may cut or remove the grass, weeds, bushes or trees that constitute the nuisance.
- (c) If upon reasonable search, the identity or whereabouts of the owners(s) cannot be ascertained then the notice may be mailed to the person or entity in whose name the real estate was last assessed.

SECTION 6: Enforcement by Township

- (a) If the nuisance is not abated in accordance with Section 5, the Township shall have the right, but not the obligation, to have Township employees or an Independent contractor cut or remove the grass, weeds, bushes or trees that constitute the nuisance and to collect from the owner(s) all reasonable costs and expenses incurred in the cutting or removal.
- (b) Annually, the Bloomingdale Township Supervisor shall establish a reasonable rate for labor, vehicles, equipment and disposal cost to compensate the Township for the cost of the work performed by its employees.
- (c) Independent contractors, whose hiring is at the discretion of the Township Supervisor, may be used to perform the work and the amounts paid therefore, together with any other costs set forth herein, shall be included in the cost.
- (d) Costs and expenses shall include, but are not limited to, the cost of supervision by a Township employee and if deemed necessary the costs of security as requested by the Township.
- (e) All costs and expenses incurred by the Township for the cutting or removal of the grass, weeds, bushes or trees shall constitute a lien upon the subject real estate superior to all other liens and encumbrances except tax liens if within sixty (60) days after such cost or expense is incurred the Township files a notice in the office of the Recorder of Deeds of DuPage County.
- (f) Said notice of lien and any release thereof shall comply with the provisions Of 60ILCS 105-15(b).
- (g) The lien provided for in this Section may be foreclosed in the manner provided by law in any court of competent jurisdiction. Reasonable attorney's fees and costs as well as other expenses incurred by the Township with respect to the filing and foreclosure of the lien shall be taxed against the owner(s) of the real estate.
- (h) 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 serviced performed pursuant to Section 6 (a). Reasonable attorney's fees as costs as well as other expenses incurred by the Township with respect to the filing and prosecution of said action or proceeding shall be taxed against the owner(s) of the real estate.

SECTION 7:

That if any section, subdivision or sentence of this Ordinance shall for any reason be Held invalid it shall not affect the validity of the remaining parts of this Ordinance.

SECTION 8:

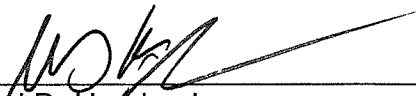
This Ordinance shall take effect upon passage by the Bloomingdale Township Board and publication as provided by law and may be cited as the Bloomingdale Township Weed and Grass Ordinance.

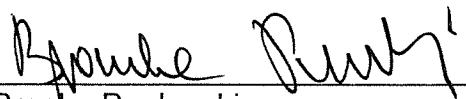
Adopted this 15th of March, 2022

AYES: McGinn, Pransky, Rogers, Tolentino, Hovde.

NAYS: None

ABSENT: None

  
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Michael D. Hovde, Jr.  
Supervisor  
Bloomingdale Township

ATTEST:   
\_\_\_\_\_  
Branka Poplonski  
Town Clerk  
Bloomingdale Township

(SEAL)