
ORDINANCE 13-14-16

**An Ordinance Adding Chapter 12.07 of the Johnsburg Municipal Code
Regarding Noxious Plants, Weeds and Grass**

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

AT THEIR REGULAR MEETING ON SEPTEMBER 4, 2013

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

John Huemann
Mary Lou Hutchinson
Rich Janusz
Greg Klemstein
Kevin McEvoy
Janice Sisk

Village Clerk

Claudett E. Peters

ORDINANCE 13-14-16

An Ordinance Adding Chapter 12.07 of the Johnsburg Municipal Code Regarding Noxious Plants, Weeds and Grass

SECTION 1: That Chapter 12.07 is amended as follows:

12.07 NOXIOUS PLANTS, WEEDS AND GRASS.

- A. Noxious Plants and Weeds Declared Nuisance. Any weeds such as or known as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of like kind, and plants or bushes of the species of tall, common or European Barberry, otherwise known as *Barberis Vulgaris*, or its horticultural varieties, found growing in any place or location within the corporate limits of the Village, are declared to be a nuisance. It shall be unlawful for any person to cause or permit any such weeds, plants or bushes to grow or remain in any place or location within the corporate limits of the Village to a height in excess of eight (8) inches. It is also hereby declared to be a nuisance and shall be unlawful for any person to cause or permit grass to grow or remain in any place or location within the corporate limits of the Village to a height in excess of eight (8) inches. Vacant lots in newly platted subdivisions may be planted with low growing crops for agricultural purposes with prior approval from the Building and Code Enforcement Officer.
- B. Removal of Noxious Plants and Weeds. It shall be the duty of every owner or occupant of every lot or tract of land within the corporate limits of the Village to cut, destroy or remove, or cause to be cut, destroyed or removed, every such weed, plant or bush or cut any grass as hereinabove described upon every such lot or tract of land in such manner and on or before such time as such weeds, bushes, plants or grass reach or exceed the height of eight (8) inches. Upon the failure of any such owner or occupant so to do, it shall be the duty of a Village of Johnsburg enforcement officer, as defined in 12.03 of this Ordinance, to serve or cause to be served a notice upon any such owner or occupant of any premises upon which any such weeds, plants, bushes or grass are caused or permitted to grow in violation of the provisions of this section, demanding the abatement of such growth as a nuisance, within a period of ten (10) days from the date of such service. Failure of any owner or occupant to comply with the provisions and demands of such notice shall constitute a violation of the provisions of this section.
- C. Composting and Compost Piles
- a. Yard waste materials may be placed in a compost pile, provided that such materials are placed in such a way as not to allow them to be blown by winds.
 - b. The depositing of garbage, pet waste, meat scraps or other materials that may attract animals or vermin to the compost pile or which may provide an obnoxious odor shall be prohibited. A compost pile shall not be placed in any required front yard as defined by the Village Zoning Ordinance and shall be set back a minimum of three feet from the side yard lot line, set back a minimum of five feet from any rear lot line, and shall not be located less than 30 feet from any neighboring residential dwelling structure. In no event shall a compost pile be located in any side or rear yard drainage or utility easement. A

compost pile shall be no more than five feet in height and shall not exceed a maximum ground or base area of 100 square feet.

D. Abatement. If, upon the expiration of the ten-day period provided in the notice, any owner or occupant of any premises in the Village upon which any such weeds, plants, bushes or grass are caused or permitted to grow in violation of the provisions of this section, it shall be the duty of the Public Works Department to proceed to the nuisance by cutting, destroying or otherwise removing the weeds, plants, bushes or grass and to keep an account of the expense thereof, and such expense shall be charged to the owner, or the owner and occupant jointly, of the premises, and it shall be the duty of the owner or the owner and occupant jointly to pay such expense.

E. Lien. The Village of Johnsburg shall have a continuing lien upon the premises and real estate upon which any noxious weeds, plants, bushes or grass shall be caused or permitted to grow in violation of the provisions of this section, for or on account of which it is necessary for any expense to be suffered or incurred by the Village for the cutting, destroying or otherwise removing of any weeds, plants, bushes or grass. Every lien shall, upon compliance with the conditions hereinafter set forth, become and be prior and superior to the rights and interests of creditors, encumbrances, purchasers and other parties in interest in such premises and real estate.

Such lien may be preserved and enforces in the following manner: The Village Clerk shall within six (6) months after the accrual of such expense or cost or charge, file or cause to be filed with the appropriate county official a claim for lien, verified by the affidavit of himself/herself or any other officer of the Village having knowledge of the facts, which shall consist of a brief statement of the facts of the claim, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tract or tracts of land or real estate to properly identify such land or real estate. No such lien shall be defeated in the proper amount thereof because of error or overcharging on the part of the Village, nor shall any such lien be defeated upon proof that the expense or cost or charge resulted from or was incurred by reason or fault of any tenant or occupant or other person in possession other than the owner.

F. Foreclosure of Lien. If payment shall not be made as provided in this section of any amount due by virtue of its provisions when the same shall become due, the Village may file or cause to be filed a petition or bill in the appropriate court for foreclosure of such lien, and the Village may proceed in its corporate name to foreclose such lien in like manner and with like effect as provided by the Illinois Compiled Statutes in foreclosure of mortgages. Such suit shall be commenced within two (2) years after the accrual of such expense or cost or charge. Any decree rendered in court may be enforced and collected as other decrees or judgment in such court.

The remedy provided in this section shall not be construed to abridge or in any manner interfere with the right and power of the Village to enforce the collection thereof by an action at law or as otherwise provided in this section, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent expense or cost or charge.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustee Huemann, Hutchinson, Janusz, Klemstein, McEvoy and Sisk

Voting No: None

Absent: None


Abstain: None

APPROVED:


Edwin P. Hettermann, Village President

(SEAL)

ATTEST:


Claudett E. Peters, Village Administrator

Passed: September 4, 2013

Approved: September 4, 2013

Published: September 4, 2013

Prepared by:

Claudett E. Peters, Village Administrator
Village of Johnsburg
1515 Channel Beach Ave
Johnsburg, IL 60051

CERTIFICATION

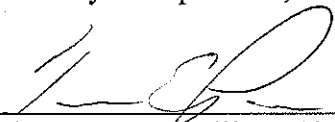
I, CLAUDETT E. PETERS, do hereby certify by my signature affixed below that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, County of McHenry, Illinois.

I do further certify that a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 4 day of September, 2013 the foregoing Ordinance entitled: ***"An Ordinance Amending Chapter 12.07 of the Johnsburg Municipal Code regarding Noxious Plants, Weeds and Grass"*** was duly passed by the President and Board of Trustees of the Village of Johnsburg, a true and correct copy of which is attached hereto. The passage of said Ordinance was on a roll call vote, on which the vote was as follows:

Voting Aye: Trustee Huemann, Hutchinson, Janusz, Klemstein, McEvoy and Sisk
Voting Nay: None
Absent: None
Abstain: None

I do further certify that said Ordinance was duly published on 4th of September, 2013 in pamphlet form.

IN WITNESS WHEREOF, I have above set my hand and caused to be affixed the seal of the VILLAGE OF JOHNSBURG, Illinois, on the 4th day of September, 2013.



Claudett E. Peters, Village Clerk
Village of Johnsburg

(SEAL)