

CHAPTER 99: TREES AND VEGETATION

Section

Infected Trees

- 99.01 Laboratory analysis of tree in question
- 99.02 Infected trees to be cut down; notification to owner
- 99.03 Failure to comply

Weeds

- 99.15 Weeds declared a nuisance
- 99.16 Unlawful to permit noxious weeds to exceed certain height
- 99.17 Owner to destroy weeds
- 99.18 Failure to comply

INFECTED TREES

§ 99.01 LABORATORY ANALYSIS OF TREE IN QUESTION.

Whenever any tree within the municipality appears to be, or is suspected of being, infected with Dutch Elm disease, and that fact is brought to the attention of the Superintendent of Public Works, he/she shall cause a laboratory analysis to be made of a specimen from the tree in question. If it shall be found to be infected with Dutch Elm disease, the Superintendent shall order the infected tree cut down and destroyed.

('79 Code, § 92.20) (Ord. 461, passed 8-5-57)

Statutory reference:

Authority to control and eradicate Dutch Elm disease, see ILCS Ch. 65, Act 5, § 11-20-11

§ 99.02 INFECTED TREES TO BE CUT DOWN; NOTIFICATION TO OWNER.

All infected trees on municipal property shall be promptly cut down by the municipality under the direction of the Superintendent of Public Works. When the tree found to be infected is located on

private property, the Village Clerk shall notify the owner in writing if the owner resides within the municipality, such writing to be delivered to the owner's residence. If the owner does not live within the municipality, the notice shall be given by registered mail addressed to the person to whom was sent the bill for general property taxes for the preceding year. The notice shall inform the owner that the tree or trees are infected and shall direct that the infected trees be removed within 30 days from the date on which the notice is served or mailed.

('79 Code, § 92.21) (Ord. 461, passed 8-5-57)

§ 99.03 FAILURE TO COMPLY.

In case any owner, lessee, agent of such owner, or occupant shall refuse or neglect to destroy such infected tree or trees, the Board of Trustees may direct that the tree or trees be destroyed.

('79 Code, § 92.22)

Statutory reference:

Authority to remove infected trees, see ILCS Ch. 65, Act 5, § 11-20-12

WEEDS

§ 99.15 WEEDS DECLARED A NUISANCE.

For the purpose of this chapter, Canadian Thistle and all its varieties, Perennial Sow Thistles, European Bind Weed, Leafy Spurge, Russian Knap Weed, Hoary Cress, Ragweed, Jimson, and Poison Ivy, as well as any and all other species and types of weeds, are declared a nuisance.

('79 Code, § 92.10) (Ord. 554, passed 7-16-62)

§ 99.16 UNLAWFUL TO PERMIT NOXIOUS WEEDS TO EXCEED CERTAIN HEIGHT.

It shall be unlawful for any owner, lessee, agent of such owner, or occupant of any real estate to permit any weeds to grow to a height exceeding six inches anywhere in the municipality.

('79 Code, § 92.11) Penalty, see § 10.99

Statutory reference:

Authority to destroy weeds at property owner's expense, see ILCS Ch. 65, Act 5, § 11-20-6

§ 99.17 OWNER TO DESTROY WEEDS.

It shall be the duty of every owner, lessee, agent, or occupant of any real estate located within the municipality on which any weeds exist to destroy the same before they grow to a height exceeding six

inches or before they reach a seed-bearing stage whichever occurs first, and to prevent such weeds from perpetuating themselves.

('79 Code, § 92.12) (Am. Ord. 981, passed 9-18-78) Penalty, see § 10.99

Statutory reference:

Costs, lien, notice, and filing, see ILCS Ch. 65, Act 5, § 11-20-7

§ 99.18 FAILURE TO COMPLY.

(A) The Board of Trustees may provide for the cutting of weeds or grass, the trimming of trees or bushes, and the removal of nuisance bushes or trees in the village, when the owners of real estate refuse or neglect to cut, trim, or remove them and to collect from the owners of private property the reasonable cost thereof. This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost and expense is incurred the village, or person performing the service by authority of the village, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under the Torrens system. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when such cost and expense was incurred by the village. However, the lien of such village shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the cutting of weeds or grass, the trimming of trees or bushes, or the removal of nuisance bushes or trees and prior to the filing of such notice, and the lien of such village shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.

(B) The cost of the cutting, trimming, or removal of weeds, grass, trees, or bushes shall not be lien on the real estate affected unless a notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent after the cutting, trimming, or removal of weeds, grass, trees, or bushes on the property. The notice shall state the substance of this section and the substance of any village ordinance implementing this section and shall identify the property, by common description, and the location of the weeds to be cut.

(ILCS Ch. 65, Act 5, § 11-20-7) ('79 Code, § 92.13)

