
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 08-038**

**AN ORDINANCE PROHIBITING AND REGULATING THE
GROWTH OF GRASS AND WEEDS FOR THE VILLAGE
OF HOMER GLEN, WILL COUNTY, ILLINOIS**

**JAMES P. DALEY, Village President
Gale Skrobuton, Village Clerk**

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Trustees

ORDINANCE 08-038

AN ORDINANCE PROHIBITING AND REGULATING THE GROWTH OF GRASS AND WEEDS

WHEREAS, the excessive growth of weeds and grass in areas of the Village tends to constitute a nuisance and can contribute to the proliferation of rats, insects and other vermin; and

WHEREAS, the Village President and Board of Trustees of the Village of Homer Glen find that nuisance weeds and vegetation must be cut and removed by the owners and occupiers of property within the Village corporate limits; and

WHEREAS, in furtherance of the protection of the health, safety, morals and welfare of the Village of Homer Glen and its residents, the President and Board of Trustees have determined that it is in the best interest of the Village of Homer Glen to regulate and prohibit the growth of weeds and grass of a nature or to an extent that would constitute a nuisance and so that it 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 PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

Section 2: Prohibition of Excessive Grass and Weed Growth– The Village of Homer Glen 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 Village of Homer Glen 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;

Section 3: Exceptions -

The prohibitions set forth in section 2 shall not apply to:

- (i) trees, bushes, shrubs, flowers or
- (ii) any intentionally cultivated agricultural vegetation or
- (iii) any vegetation cultivated or maintained in an effort to preserve, promote and protect plant species native to Illinois, or
- (iv) any vegetation intentionally cultivated or maintained in an effort to reproduce ecosystems or environmental conditions naturally existing

- in the State of Illinois, or
- (v) any vegetation intentionally cultivated or maintained in a clearly defined and physically discrete area for landscaping, ornamental or other aesthetic purposes or
 - (vi) any residentially-zoned property 1 acre or greater in size except that any portion on such property cultivated with turfgrass shall comply with the provisions of this Ordinance. For purposes of this ordinance, turfgrass is defined as grasses that are spreading or stoloniferous in nature as opposed to a tufted ornamental grass, that endures regular mowing to form a dense growth of leaf blades and root, or
 - (vii) any property zoned A-1 or A-2.

Section 4: Abatement Procedures –

- (A) In addition to the penalty provision provided, 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 weeds, grass or otherwise comply with the terms of this ordinance, the Village at its sole option and election, may enter upon said premises and correct the violations 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 and payable to the Village of Homer Glen by such owner or owners and/or occupiers of said premises. All costs, charges, and expenses incurred or imposed by the Village as a result of correcting the violations of this Ordinance in the removal or cutting down of such weeds or grasses on such real property including reasonable attorney's fees, 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, said claim for lien to be supported by affidavit, and which said claim for lien may be foreclosed in the manner 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 remedy for such violators.

Section 5: Notice of Violation -

- (A) The Code Officer or such other authorized Village official or representative, thereof, 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 the ordinance upon any person owning, leasing, occupying, or controlling any real estate in the Village. 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, or said notice may be given by any one (1) of the four (4) following described methods:

- (1) 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;
- (2) By a written notice personally delivered by the Code Officer or such other authorized Village representative to the person owning, leasing, occupying, or controlling the real estate; or
- (3) 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 not later than seven (7) days after the notice has been posted or tagged on said property.
- (4) At the election of the Village the person owning, leasing, occupying or controlling any real estate in the Village may be notified by the Village by regular or certified mail of the Village's intent to serve an annual notice. This notice shall contain the necessary language notifying the owner, lessee, tenant, occupant, or person in control of real estate in the Village that this will be the only correspondence from the Village regarding this ordinance and in the event of violation the Village will remedy the condition according to the terms of the ordinance.

Section 6: Penalty -

- (A) In addition to all other remedies to the Village at law or equity, any person or entity who violates or fails to comply with this Ordinance shall be fined not less than \$50 or not 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 the notice, the Village may cause weeds or grass to be removed or cut down in any manner it designates and shall charge the costs of such removal to the person owning, leasing, occupying or controlling the real estate. The 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 cost, charges, and expenses incurred or imposed by the Village, in the removal or cutting following the refusal or failure of the responsible party to remove or cut down such grass or weeds and including reasonable attorney's fees, shall constitute a lien upon the real estate affected, and a lien shall be enforced as provided by statute.

Section 7: Enforcement - Proceedings to enforce violations of this ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinances providing for Administrative Adjudication of Code Violations or by any other means provided by law.

Section 8: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 9: Repealer - Ordinance 02-026 and all other ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 10: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 8th day of July, 2008 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
De Vivo	X			
Knaack	X			
Locacius	X			
Niemiec	X			
Sabo	X			
Ward	X			
Daley (Village President)	-			
TOTAL	6	0	0	-

APPROVED by the Village President on July 8, 2008.

James P. Daley
Village President

ATTEST:

Gale Skrobuton
Village Clerk