

Nuisance Ordinance
(Weed Control)
McHenry Township
McHenry County, Illinois

Whereas, the Supervisor and Board of Trustees of the Towns of McHenry (McHenry Township), McHenry County, Illinois, at the annual town meeting held April 14, 1998, determined that it is necessary for the public health of the residents of the Town of McHenry (McHenry Township), to declare as nuisances all weeds determined to be noxious weeds by the Illinois Compiled Statutes, Chapter 505, Paragraph 100/1 et seq; and,

Whereas, in the past, the McHenry County Department of Health has, pursuant to the Public Health Ordinance for McHenry County, policed the noxious weeds growing throughout unincorporated McHenry County, including the Town of McHenry (McHenry Township); and,

Whereas, as a result of budget cuts, the Supervisor and Board of Trustees of the Town of McHenry (McHenry Township) have been informed that the McHenry County Department of Health will no longer be able to police unincorporated McHenry County, including the Town of McHenry (McHenry Township) for noxious weeds.

NOW, THEREFORE, BE IT ORDAINED BY THE SUPERVISOR AND BOARD OF TRUSTEES OF THE TOWN OF MCHENRY (MCHENRY TOWNSHIP), MCHENRY COUNTY, ILLINOIS, GATHERED AT THEIR REGULAR MEETING ON MAY 14, 1998, AS FOLLOWS:

Section 1 Title

This ordinance shall be known as, referred to, or sited as the Nuisance Ordinance for the Town of McHenry (McHenry Township), McHenry County, Illinois.

Section 2

Purpose

The purpose of this ordinance is to promote the health, safety and general Welfare of the people within the Town of McHenry (McHenry Township) McHenry County, Illinois, further, it is the purpose of this ordinance to Prohibit, abate, suppress and prevent all noxious weeds as determined by the Illinois Compiled Statutes, Chapter 505, Paragraph 100/1 et seq., on property Located in the Town of McHenry (McHenry Township), McHenry County, Illinois.

Section 3

Nuisance Declared

All weeds determined to be noxious weeds by the Illinois Compiled Statutes, Chapter 505, paragraph 100/1 et seq., and applicable rules and regulations thereunder and vegetation not covered by the Illinois Compiled Statutes, but which serve as a breeding place for mosquitoes and rodents are a menace to health and are thereby declared a public nuisance. Vegetation on farms for conservation purposes are exempt, and landscape, shrubbery and ornamental plants are exempt when properly maintained.

Section 4

Enforcing Officer

Any duly authorized elected official or representative of the Town of McHenry (McHenry Township) is hereby designated as the enforcing officer of this ordinance. Any enforcing officer shall hereby be given specific power to make inspections and for that purpose, may enter on property at reasonable times in order to enforce the provisions of this ordinance and to that end, shall make such reports, requirements, decisions and determinations as are necessary with respect to the enforcement of this ordinance.

Section 5 Notice of Violations

Whenever the township determines that there has been a violation of any provision Of this ordinance, the township shall give notice of such alleged violation to the Person who last received the tax bill on the subject property, or the person who is currently controlling the subject property through use or occupancy, as hereinafter Provided. Such notice shall:

- a) be in writing,
- b) include a statement of the reasons for it's issuance,
- c) allow a period of time, not to exceed ten days, for the removal of the noxious weeds located on the subject property
- d) within ten days of receipt of said notice, the person receiving said notice shall have the right to seek and receive a review by the Supervisor of the Town of McHenry (McHenry Township) of the action taken by it's authorized agent.
- e) Explain the procedure for review or appeal of the alleged violation.

Section 6 Removal or Destruction Required

All weeds and vegetation declared a nuisance under Section 3 shall be cut, pulled or sprayed and destroyed by the owner, lessee, tenant, occupant or person in control of The plot of ground at least two times each year, once between June 1 and July 1 and once between August 1 and September 1.

Section 7 Authority of Township To Cut

On parcels of land in residential areas, when the owner, lessee, tenant, occupant or Person in control refuses or neglects to destroy the weeds and vegetation within the Designated periods, the enforcing authority may cut them and collect from the Owner the reasonable cost thereof. Notice of intention to cut the weeds and vegetation shall be given the owner of the parcel involved at least 15 days before such action is intended to be taken, by mailing a written copy of such notice to the last

known address of each owner. The cost to the enforcing authority for destroying the weeds and vegetation is a lien upon the Property, and the enforcing authority may take all steps to make such lien of record. In addition, the property owner shall be Responsible for reimbursement of all the Township's reasonable costs, including Attorney's fees in the preparation and the recording of such a lien and any interest.

Section 8 Emergency Abatement

Whenever, in the judgement of the township, an emergency exists which requires Immediate action to protect the public health, safety, or welfare, an order may be Issued without notice, conference, or hearing, directing the owner, occupant, Operator, or agent to take such action as is appropriate to correct or abate the emergency. All expensed involved in the abatement shall be borne by the owner.

Section 9 Penalty

If any person fails to abate the nuisance within the time period permitted, he shall be In violation of this ordinance and shall be guilty of a petty offense and fined not less than \$50 nor more than \$500 per day of violation. Each day the nuisance is permitted to exist shall be considered a separate offense.

If a person fails to abate the nuisance, the McHenry Township Attorney may seek an Injunction against the offender requiring compliance with the ordinance, or petition A Court for an appropriate order authorizing the Township to enter upon a property And correct said violation. If the Township shall correct a violation in such a Manner, the Township shall obtain a judgment for the reasonable costs of abatement.

Section 10 Severability Clause

If any section, provision or portion of this ordinance is judged unconstitutional or Invalid by a court of competent jurisdiction, the remainder of this ordinance shall Not be affected thereby.

Section 11 Repeal

All other ordinances or parts of ordinances of the Town of McHenry (McHenry Township), McHenry county, Illinois, inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, is hereby repealed.

Section 12 Effective Date

This ordinance shall take effect from and after its passage and due Publication by law.

Dated: November 8th, 2001

Approved:

Donna A. Schaefer

Donna A. Schaefer
McHenry Township Supervisor



Attest:

Bruce Novak

Bruce Novak, Town Clerk