

Ordinance 09082018

**Weed Cutting Ordinance of the Board of Trustees of
McHenry Township, McHenry County, Illinois**

WHEREAS, the health, safety and welfare of the inhabitants of McHenry Township suffer as a result of weeds and nuisance bushes and trees in McHenry Township;

WHEREAS, 60 ILCS 1/105-15 of the Township Code authorizes and otherwise enables townships board to provide for the cutting of weeds or grass, the trimming of trees or bushes, and the removal of nuisance bushes or trees (hereinafter collectively referred to as "weed cutting");

WHEREAS, the McHenry Township Board believes that the regulation of weed cutting is in the best interest of the inhabitants of McHenry as follows:

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of McHenry Township, McHenry County, Illinois, as follows:

Section 1: Recitals. The above recitals are incorporated by reference.

Section 2: Weeds Deemed Nuisances. All noxious weeds shall be deemed nuisances and prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 3: Height limit. It is unlawful for anyone to permit weeds, grass or plants other than trees, corn, beans, or other agricultural, bushes, flowers or other ornamental plants to grow in height exceeding twelve (12) inches anywhere within residential property within the Township.

Section 4: Removal-Notice. It shall be the duty of the Township Supervisor and/or their designee to serve or cause to be served a notice in writing upon the owner, agent, occupant or person in possession or charge of any such premises on which such weeds or plants are permitted to grow in violation of the provisions of this ordinance and to demand abatement of the nuisance within ten (10) days.

Section 5: Failure to abate nuisance. If the person so served with a notice set forth in Section 4 does not abate the nuisance within ten (10) days after such notice, the Supervisor and/or their designee shall cause the summary abatement of such nuisance. Summary abatement may be cause by the employment of private contractors or the use of the Township's equipment and personnel, and shall be authorized to enter upon the private property to cut and destroy the weeds growing thereon. If private contractors

are used for this purpose, the Supervisor and/or their designee shall keep an account of the expense thereof, and such expense shall be charged to and paid by such owner or occupant. If the Township's equipment or personnel are utilized, the Supervisor and/or their designee, shall keep an account of the expense thereof, and such expense shall be charged to and paid by such owner or occupant. In addition to the cost of removal, the Township recognizes that a reasonable cost of enforcing the terms of this Ordinance shall also include an administrative fee of 15% of the total cost of such removal, and the Township Attorney's fees for enforcing such terms, all of which shall be paid by the owner of the property.

Section 6: Lien for weed removal – Notice.

A. Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days (60) after it has been rendered, the Township Clerk may file with the recorder of deeds McHenry County, Illinois, a statement of lien claim. This statement shall contain the: (i) legal description of the premises, (ii) the expenses and costs incurred, including administrative and attorneys fees, and (iii) the dates the weeds were cut, and (iv) a notice that the Township claims a lien for this amount.

B. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known provided, however, that failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 6.

Section 7: Foreclosure of lien.

A. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds for such sale shall be applied to pay the charges after deducting costs, as is the case with the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the Township.

B. The Township attorney is authorized and directed to institute such proceedings in the name of the Township in any court having jurisdiction over such matter against any property for which such bill has remained unpaid for sixty days after it has been rendered.

Section 8: Remedies Cumulative. The provisions of this Ordinance shall not in any way be deemed to prevent McHenry Township from exercising any and all remedies available to it under statute to enforce or obtain compliance with any statute as it releases to property maintenance within the unincorporated area of McHenry Township.

Section 9: Severability. The unenforceability or invalidity of any provision of this Ordinance shall not affect the enforceability or validity of the remaining provisions of this Ordinance.

Section 10: Repeal. All other ordinances or parts of ordinances of McHenry Township, McHenry County, Illinois, inconsistent or conflicting with this Ordinance, are hereby repealed to the extent of the inconsistency

Section 11: Publication. This Ordinance entitled Weed Cutting Ordinance, shall be effective beginning SEPTEMBER 7, 2018 after publication on SEPTEMBER 6, 2018, 2018

Dated this 9th day of AUGUST, 2018.

APPROVED:

MCHENRY TOWNSHIP

By:



Craig Adams
McHenry Township Supervisor

ATTEST:



Dan Alyward, Clerk
McHenry Township

