

## Chapter 86

### VEGETATION\*

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\***Cross references**—Buildings and building regulations, ch. 18; planning, ch. 54; streets, sidewalks and other public places, ch. 66; subdivisions, ch. 70; required facilities and landscaping for street trees in subdivisions, § 70-402; zoning, ch. 94.



## ARTICLE I. IN GENERAL

### Sec. 86-1. Weeds and plants.

It is hereby declared to be a nuisance for any property owner within the corporate limits of the village to:

- (1) Fail to mow all weeds and customary lawn grass on any parcel of developed land improved with any building, parking lot or other permanent or temporary accessory improvements; or to permit such weeds or grass to exceed eight inches in height;
- (2) Permit weeds or grass to exceed eight inches in height on any public right-of-way immediately adjacent to any developed land; or
- (3) Fail to mow all weeds, plants and customary lawn grasses on undeveloped property, and the public right-of-way adjacent thereto, located within 200 feet of a building used for residence purposes; or to permit such weeds, plants and grass to exceed eight inches in height.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(a)), 9-13-1999)

### Sec. 86-2. Exemptions.

The requirements of this article do not apply to property actually being used for and devoted to agricultural purposes, and land designated as nature preserve, wetlands or golf course area.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(b)), 9-13-1999)

### Sec. 86-3. Removal; notice.

The village administrator, or other designated official, shall serve or cause to be served notice upon the owner or occupant of any premises on which weeds or grass is permitted to grow in violation of the provisions of this article, and to demand the abatement of the nuisance within seven days. The owner or occupant of the premises where the weeds or grass is found shall be given only one notice annually of any violation.

The notice shall be in effect for the entire growing season and no further notices are necessary to the owner or occupant.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(c)), 9-13-1999)

### Sec. 86-4. Abatement; lien for cutting cost.

(a) In all cases where the owner or person controlling the real estate on which there exists a growth of weeds or grass in violation of the foregoing sections shall fail, refuse or neglect to cut the weeds or grass or cause the weeds or grass to be cut and otherwise removed after seven days' written notice served on such owner or occupant or person controlling the real estate, the village administrator may proceed to abate such nuisance by causing the weeds or grass to be cut and removed from the property and the costs thereof shall be charged to and collected from the owner of such real estate.

(b) The cost of cutting and removing such weeds and grass shall also become a lien upon the real estate affected, until paid, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost is incurred, the village files notice of lien in the office of the recorder of deeds of the county. Such notice of lien shall consist of a sworn statement setting out (i) the description of the real estate sufficient for identification thereof, (ii) the amount of money representing the cost and expenses incurred or payable for the service of cutting and removing such weeds and grass, and (iii) the date or dates when such cost or expense was incurred by the village. The lien of the village shall not be valid as to any purchaser whose rights in or to such real estate have arisen subsequent to the weed cutting and prior to the filing of such notice, nor shall the lien of the village 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 or persons interested in such property after notice of lien has been filed, the lien shall be released by the village and the release of lien shall be recorded in the office of the recorder of deeds of the county.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(d)), 9-13-1999)

**Sec. 86-5. Alternatives.**

In addition to or as an alternative to the provisions of section 86-4, the village administrator or his designee may issue an ordinance violation citation, returnable in the appropriate courtroom or branch court of the Circuit Court of the 19th Judicial Circuit, Lake County, Illinois, for violation of a particular section or sections of this article. Further, and as an additional or alternate method of enforcement, the village may commence a civil proceeding to correct the offense under applicable statutory provisions.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(e)), 9-13-1999)

to the village zoning ordinance. Any dead limb of a tree overhanging a public way shall be removed by the owner of the tree.

(Code 1977, § 5.16)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

**Secs. 86-6—86-30. Reserved.**

**ARTICLE II. TREES**

**Sec. 86-31. Permit required for planting, trimming or removal; injuring trees or shrubs prohibited.**

No person shall plant, trim or remove any tree or shrub in any street or parkway or other public place without a permit therefor from the director of public works. The director of public works shall approve the species of tree to be planted. No person shall injure any tree or shrub planted in any street, parkway or public place.

(Code 1977, § 5.16)

**Sec. 86-32. Attachment of sign or wire.**

No person shall attach any sign or wire to any such tree or shrub without permission of the director of public works.

(Code 1977, § 5.16)

**Sec. 86-33. Interference or obstruction to streets, sidewalks or public places.**

No person shall permit any tree or vegetation on his property to overhang any street, sidewalk or other public place so as to interfere with the public use of such ways, or to obstruct the vision of drivers of vehicles at intersections, or to prevent a clear view of intersecting streets contrary