

**VILLAGE OF VARNA
MARSHALL COUNTY, ILLINOIS**

ORDINANCE 280

AN ORDINANCE REGULATING WEEDS AND GRASS

Recitals

- A. The Corporate Authorities for the Village of Varna ("the Village") have the authority to adopt ordinances that pertain to its government and affairs and protect the public health, safety, and welfare of Village citizens.
- B. Section 11-20-6 of the Illinois Municipal Code, 65 ILCS 5/11-20-6, grants municipalities the authority to provide for the destruction of weeds at the expense of the owners of the premises on which the weeds are growing.
- C. Section 11-20-7 of the Illinois Municipal Code, 65 ILCS 5/11-20-7, grants municipalities the authority (1) to provide for the removal of nuisance greenery from any parcel of private property within the municipality if the owners of that parcel, after reasonable notice, refuse or neglect to remove the nuisance greenery and (2) to collect, from the owners of that parcel, the reasonable removal cost.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS, AS FOLLOWS HEREIN.

Section 1: Recitals. The facts and statements contained in the Recitals are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: Prohibition of Excessive Grass and Weed Growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8") in height. All noxious weeds shall be 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. The terms "trees" and "shrubs" shall not include trees and shrubs that were self-starting resulting from lax property maintenance, typically called "volunteer" growth. Cultivated flowers within the public right-of-way shall not obstruct the view of vehicle or pedestrian traffic, and after the first frost of the season, perennial and annual flower debris and growth shall be removed from the right-of-way.

Section 3: Exceptions. The prohibitions set forth in Section 2 shall not apply to:

- (a) trees, bushes, shrubs, flowers, ornamental or native prairie grasses;
- (b) any intentionally cultivated and maintained agricultural vegetation;
- (c) any vegetation cultivated or maintained in an effort to preserve, promote, and protect plant species native in or protected in Illinois;

- (d) any vegetation intentionally cultivated or maintained in an effort to reproduce ecosystems or environmental conditions naturally existing in the State of Illinois;
- (e) any vegetation intentionally cultivated or maintained in a clearly defined and physically discrete area intended for landscaping.

Section 4: Noxious Weeds to be Destroyed. No poison ivy or other poisonous vine or plant, ragweed, thistles, or other noxious weeds shall be permitted to grow on any premises in the Village, and they may be destroyed by the Village at the expense of the owners of any premises in the Village where they are found to be growing.

Section 5: Removal of Yard Waste. Grass clippings, weeds, bushes, hedges, tree branches and other natural yard wastes must be collected and properly disposed of within two weeks.

Section 6: Recurring Offense. A separate offense of this Ordinance shall be deemed committed on each and every day during or on which a violation occurs or is permitted to continue.

Section 7: Notice of Violation. When a Village official determines there has been a violation of this Ordinance or has grounds to believe a violation has occurred, the Village President, or his/her designee, may cause a written notice to be given to the property owner. The notice shall include (a) a description of the real estate sufficient for identification, (b) a statement of the violation or violations, (c) a correction order allowing the property owner at least seven (7) days to comply with this Ordinance and (d) a statement advising of the consequences of not complying with the notice.

Notice shall be deemed to be properly served by any one (1) of the following described methods:

- (1) By a written notice sent by United States first class 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. Notice sent by first-class mail shall be deemed delivered four days after mailing.
- (2) By a written notice personally delivered a Village representative to the person owning, leasing, occupying, or controlling the real estate.
- (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.

Section 8: Cutting Authorized. Weeds and grass grown to a height in excess of eight inches (8") may be cut by the Village if the owners of the premises refuse or neglect to cut them, the reasonable cost of cutting the weeds or grass to be collected from the owners.

Section 9: Lien for Removal Costs. The reasonable cost of cutting weeds or grass where they exceed eight inches (8") in height shall be a lien upon the real estate, provided a notice of lien is filed within sixty (60) days of the date on which the Village cut the weeds and/or grass in the office of the Marshall County Recorder of Deeds. Notice of the lien must also be sent to the person to whom the prior year's tax bill was sent by personal service or certified mail.

Section 10: Suit for Enforcement. The Village may bring suit at any time to collect the expense of destroying noxious weeds, or the reasonable cost of cutting weeds or grass where they exceed eight inches (8") in height, from the owners of the real estate where such weeds or grass shall have been allowed to grow.

Section 11: Penalty. Any person who shall violate this Ordinance upon conviction thereof shall be subject to a penalty of not less than \$100.00 nor more than \$750.00 for each such offense and, if the Village incurred costs to bring property into compliance with this Ordinance, the violator shall be liable for all such costs. If court action is necessary, the violator shall pay the Village's attorney fees and court costs, if found guilty.

Section 12: Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

Section 13: Repealer. All ordinances, resolutions or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 14: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

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PASSED at a regular meeting of the Board of Trustee of the Village of Varna, Illinois on June 3, 2024, by roll call vote as follows:

Trustee	Aye	Nay	Absent
Marliere	✓		
Koch	✓		
Chambers	✓		
Todd	✓		
Meierkord	✓		

APPROVED on June 3, 2024

Louis Holocker
Louis Holocker Village President

ATTEST

Jane Egli
Jane Egli, Village Clerk

PUBLISHED in pamphlet form on June 4, 2024

Jane Egli
Jane Egli, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF MARSHALL)

CERTIFICATE OF VILLAGE CLERK

I, Jane Egli, do hereby certify that I am the duly selected and acting Clerk of the Village of Varna, Marshall County, Illinois, and, as such Clerk, I am the keeper of the records and files of the Village. I do further certify that the attached and foregoing is a true and correct copy of Ordinance No. 280 Regulating the Weeds and Grass as passed by the Village Board of Trustees at its meeting held on June 3, 2024, and as approved by the Village President on June 3, 2024.

IN WITNESS WHEREOF, I have hereunto fixed my official signature and the corporate seal of the Village of Varna, Illinois.

Dated June 3, 2024

Jane Egli
Jane Egli, Village Clerk

(SEAL)

