

2-13-65
317-26

ORDINANCE NO. 8687-65

AN ORDINANCE AMENDING ARTICLE III. "NOXIOUS WEEDS"
OF THE URBANA CITY CODE

BE IT ORDAINED BY THE URBANA CITY COUNCIL as follows:

Sec. 25-61. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Control, controlled or controlling includes being in charge of or being in possession of, whether as owner, lessee, renter or tenant, under legal authority or otherwise.

Managed landscape plan permit is a permit issued by the fire department of the city pursuant to section 25-61.1.

Nuisances include the following hazards:

- (1) Plants which cause the dispersion of pollen which can cause hay fever by plants such as: common ragweed (Ambrosia artemisiifolia L.) and giant ragweed (Ambrosia trifida L.);
- (2) Plants which cause the occurrence of toxic or injurious vegetation by plants such as: jimson weed (Datura stramonium L.), poison hemlock (Conium maculatum L.), and poison ivy (Rhus radicans L.);
- (3) The occurrence of plants defined as noxious plants in Illinois Revised Statutes, Section 18.102.5: johnson grass and all perennial sorghums (Sorghum halepense (L.) Pers.), Canada thistle (Cirsium arvense (L.) Scop.), ~~wast~~ thistle (Cardus nutans L.), marijuana (Cannabis sativa L.), and perennial sow thistle (Sonchus Arvensis L.);
- (4) Plants which aid in the breeding or harboring of rats;
- (5) Plants which hinder the expedient removal of useless junk and debris of practically no value, in accordance with section 10-4;
- (6) The occurrence of vegetation in excess of eight (8) inches in height, except the following:
 - a. Trees, shrubs, vines, and annual and perennial herbaceous ornamental plants;
 - b. Edible vegetation that constitutes part of a managed crop or vegetable garden;
 - c. Vegetation allowed under the managed landscape plan permit.

Respondent is a person in control of real estate harboring an alleged nuisance.

Sec. 25-61.1. Managed landscape plan permit.

(a) Application for permit. Any person who controls land in the city may apply for approval of a managed landscape plan for a natural lawn, where the vegetation exceeds eight (8) inches in height, with the fire department of the city.

(b) Plan description. Managed landscape plan means a written plan relating to management of the vegetation within the area described together with a statement of intent and purpose of such area and a general description of the vegetational types, plants and plant succession involved and the specific management and maintenance techniques to be employed. The plan must include provisions for cutting vegetation at a length not greater than eight (8) inches that portion between the sidewalk and the street or a strip of not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three-foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

(c) Form and submission of application. Each application for a managed landscape plan permit shall be on a form provided by the fire chief of the city. The fire chief shall provide to the person submitting such application, a list of adjacent property owners who are to be notified by the applicant in writing of the intent to submit such plan. The applicant shall cause to be delivered to the owner of such adjacent property a copy of the plan and the date such was submitted to the fire chief.

(d) Revocation of permit. A permit issued hereunder may be revoked by the fire chief of the city for failure to comply with the conditions of the permit or the provisions of this article. The fire chief shall mail a notice of intent to revoke to the permit holder fifteen (15) days in advance of any action taken by him/her to revoke such permit. The permit holder may appeal such decision to revoke the permit to a committee of the city council by mailing to the fire chief a notice of appeal within fifteen (15) days of the mailing of the notice of intent to revoke as provided for above. Hearing of the appeal shall follow the procedures for hearing of an appeal of denial of a permit, as provided in subsection (e).

(e) Denial of permit.

(1) If, after due consideration of the information in the application, the fire chief shall determine that the plan is unsatisfactory, the application will be denied and a permit will not be issued. A notice of denial will be sent to the applicant by certified mail within fifteen (15) days.

(2) Denial of issuance of a permit may be appealed by mailing to the fire chief a notice of appeal within fifteen (15) days of receipt of notice of denial. A hearing on this appeal shall take place at a regularly scheduled city council committee meeting, not less than ten (10) days after receipt of the request for hearing.

(3) The city clerk shall cause to be published one time in a newspaper of daily circulation in the city a public notice of the time and location of the hearing requested by the respondent. The publication date

shall be not less than ten (10) days prior to the hearing. The city clerk shall mail by certified mail a notice of the time and place of the scheduled hearing ten (10) days prior to the hearing to the respondent.

(4) At the conclusion of this hearing, whether denial of the permit shall be upheld shall be decided by majority vote of those members of the city council present and voting.

(5) Where a permit is denied following application after notice of a nuisance as provided in section 25-63 of this article, and such nuisance has not been abated, the denial of a permit shall function as re-notice requiring abatement of the nuisance within fifteen (15) days of receipt of such denial unless an appeal is sought. When an appeal has been sought and the committee has voted to uphold denial of the permit, such vote shall function as re-notice requiring abatement of the nuisance within five (5) days of the mailing by the city clerk of notice of the denial of the appeal by the council committee.

Sec. 25-62. Compliance with state laws.

Nothing in this article shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and the control thereof.

Sec. 25-63. Notice to record owners and occupants.

(a) Upon it coming to the attention of the fire chief that a nuisance exists, the fire chief shall cause written notice in substantially the form set forth in subsection (b) to be served on each of the record owners of the parcel upon which the nuisance is located. Such notice shall be served upon the record owners either by personal service or by certified mail, return receipt requested.

(b) The notice required under this article shall be in substantially the following form:

TO: _____
(Owner/Occupant)

AT: _____
(Location)

OWNER/OCCUPANT OF THE PREMISES
KNOWN AND DESCRIBED AS:

(Common Address)

(Brief Legal Description)

YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED LOCATION HAS BEEN DECLARED A
NUISANCE BY _____
(Inspector's Name)

THE CAUSES FOR THIS DECISION ARE:

(Insert the facts as to unsafe condition)

IF THE AFOREMENTIONED PLANTS ARE NOT REMOVED OR THE ATTACHED APPLICATION FOR A
MANAGED LANDSCAPE PLAN PERMIT HAS NOT BEEN RECEIVED BY THE FIRE CHIEF ON OR
BEFORE THE _____ DAY OF _____, 19____, THE CITY OF URBANA, ILLINOIS,
WILL PROCEED TO REMOVE SUCH PLANTS WITH THE COSTS THEREOF TO BE ASSESSED TO
THE PROPERTY OWNER.

DATED AT URBANA, ILLINOIS, THIS _____ DAY OF _____, 19____.

PUBLIC SAFETY DIRECTOR

Copies of this Notice were also mailed to the following:

(c) Unless one or more persons in control of the subject real estate
file an application for a managed landscape plan permit within the time pre-
scribed herein, it shall be the duty of all persons who are in control of the
subject real estate to immediately cause such plants to be removed from the
premises or otherwise abate the nuisances in the manner directed in the notice,
within fifteen (15) days from the receipt of such notice.

Sec. 25-64. Alternative notice upon failure of personal service and certified
mail.

(a) If any of the record owners are not personally served or fail
or refuse receipt of the certified mail containing the notice, then the fire
chief shall do each of the following:

- (1) Post in a conspicuous place on the premises where the
nuisance is located, a notice substantially in the form
set forth in subsection (b); and

- (2) Shall cause to be published one time in a newspaper of general daily circulation in the city, a copy of the notice so posted pursuant to subsection (b).

(b) The notice required under this section shall be in substantially the following form:

NOTICE OF NUISANCE VEGETATION LOCATED AT _____,
URBANA, ILLINOIS.

TO ALL WHO MAY HAVE ANY LEGAL INTEREST IN THE ABOVE DESCRIBED LOCATION. THE FIRE CHIEF, URBANA, ILLINOIS, HAS DECLARED CERTAIN PLANTS ON THE AFOREMENTIONED LOCATION TO CONSTITUTE A NUISANCE.

IF THE AFOREMENTIONED PLANTS ARE NOT REMOVED OR AN APPLICATION FOR A MANAGED LANDSCAPE PLAN PERMIT HAS NOT BEEN RECEIVED BY THE FIRE CHIEF ON OR BEFORE THE _____ DAY OF _____, 19____, THE CITY OF URBANA, ILLINOIS, WILL PROCEED TO REMOVE SUCH PLANTS WITH THE COSTS THEREOF TO BE ASSESSED TO THE PROPERTY OWNER.

DATED AT URBANA, ILLINOIS, THIS _____ DAY OF _____, 19____.

PUBLIC SAFETY DIRECTOR

Sec. 25-65. Courtesy notice to person with legal interest.

Nothing in this article shall be considered to bar or prevent the fire chief from sending copies of the notices which were sent to the record owner to any person whom the fire chief believes may have any legal interest in the subject premises, but such courtesy shall not be deemed to be jurisdictional.

Sec. 25-66. Failure to comply with notice; hearing.

If, after receipt of notice by the last of the respondents so served, or publication of such notice as described in section 25-64; or denial of a managed landscape plan permit, the plants have not been removed or the nuisances otherwise abated within fifteen (15) days of the last respondent so served or date of publication, or within five (5) days of the written notice of the council committee vote under section 25-61.1(e) of this article, the fire chief shall direct the removal of the aforementioned plants or otherwise abate such nuisances.

Sec. 25-67. Abatement of nuisance; record of costs.

(a) Abatement of the nuisance or removal of the aforementioned plants may be accomplished by or under the direction of the fire chief or a designated agent thereof.

(b) This designated agent of the fire chief may include a private contractor or the director of public works with obligation to accomplish such actions for the city.

(c) The actions taken by the fire chief or a designated agent thereof may include removal of all vegetation (except for species, not listed

in section 25-61, being actively cultivated for agronomic or ornamental purposes) if the nuisance is prevalent on the subject real estate.

(d) An accurate record of the costs of such plant removal or nuisance abatement shall be kept by the fire chief, who shall certify the costs thereof and cause the costs as shown thereon to be charged against the owner according to law. Such costs shall be a lien on the property as provided in the Illinois Municipal Code.

Sec. 25-68. Statement of costs; protest; hearing.

The fire chief shall, within ten (10) days after determining the costs pursuant to section 25-67, mail a true and correct statement of the costs to the respondent. If the respondent is dissatisfied with the amount of such charge, then the respondent may file a protest with the mayor within ten (10) days of the mailing of the statement of costs to the respondent. The mayor shall then hold a hearing within a reasonable time to adjust or affirm such costs.

Sec. 25.69. Penalty for violations.

Any respondent who refuses to comply with the actions ordered by the fire chief, and does not file an application for a managed landscape plan permit within the time allowed by this article, after the allotted fifteen (15) days, shall upon conviction thereof be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for each offense, and each day that such violation continues shall be deemed a separate offense. Any fine imposed by a court shall be in addition to the costs of removing plants or abating nuisances upon the subject real estate, as provided for in this article.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

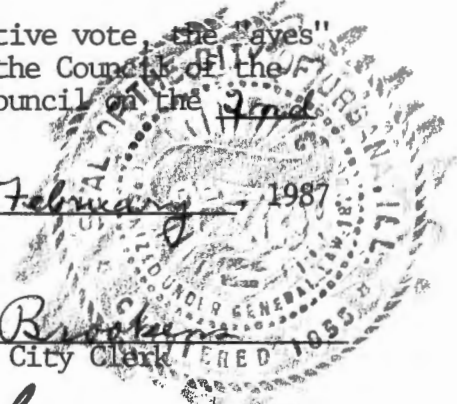
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called by a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 2nd day of February, 1987.

PASSED by the City Council this 2nd day of February, 1987

Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 5th day of February, 1987.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor



CERTIFICATE OF PUBLICATION

I, Ruth S. Brookens, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in the Champaign-Urbana News-Gazette on the 11th day of February, 1987; corrected on the 19th day of February, 1987, and a Certificate of Publication is attached hereto.

Ruth S. Brookens
Ruth S. Brookens, City Clerk



CERTIFICATE OF PUBLICATION IN The News-Gazette

The undersigned, **THE CHAMPAIGN NEWS-GAZETTE, INCORPORATED**, by
M-S OUCA, its controller, does hereby
 certify that said Corporation is the publisher of The News-Gazette and that the same is
 a daily secular newspaper of general circulation published in Champaign, Champaign
 County, Illinois, and which said newspaper had been regularly published for more
 than six months prior to the first publication of the annexed notice; said publisher
 further certifies that the annexed notice was published once each week for _____
 consecutive weeks in said newspaper, namely on the following dates: _____

_____ Feb 11 , A. D. 19 87
 _____ (corrected Feb 19 , A. D. 19 87)
 _____ , A. D. 19
 _____ , A. D. 19
 _____ , A. D. 19

Said publisher further certifies that the date of the first paper containing the said
 notice was on the first date hereinabove set forth, and that the date of the last paper
 containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

CITY OF URBANA, ILL.
 RECEIVED

FEB 23 1987

CITY CLERK'S OFFICE

PUBLISHER OF THE NEWS-GAZETTE

Controller

Publisher's fee \$

200.34

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 (Insert the facts as to unsafe
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 (b).

PD 3/6/87
 PO# 26981

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FEB 11, A. D. 19 87

_____, A. D. 19

_____, A. D. 19

_____, A. D. 19

_____, A. D. 19

Said publisher further certifies that the date of the first paper containing the said notice was on the first date hereinabove set forth, and that the date of the last paper containing the said notice was on the last date hereinabove set forth.

The Champaign News-Gazette, Incorporated

By [Signature] Controller
PUBLISHER OF THE NEWS-GAZETTE

Publisher's fee \$ 199.50

ORDINANCE NO. 8687-65
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Control, controlled or controlling includes being in charge of or being in possession of, whether as owner, lessee, renter or tenant, under legal authority or otherwise.
Managed landscape plan permit is a permit issued by the fire department of the city pursuant to section 25-61.
Nuisances include the following hazards:
(1) Plants which cause the dispersion of pollen which can cause hay fever by plants such as: common ragweed (*Ambrosia artemisiifolia* L.) and giant ragweed (*Ambrosia trifida* L.);
(2) Plants which cause the occurrence of toxic or injurious vegetation by plants such as: jimson weed (*Datura stramonium* L.), poison hemlock (*Conium maculatum* L.), and poison ivy (*Rhus radicans* L.);
(3) The occurrence of plants defined as noxious plants in Illinois Revised Statutes, Section 18.102.5: johnson grass and all perennial sorghums (*Sorghum halepense* (L.) Pers.), Canada thistle (*Cir-*

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\$200.34
CITY CLERK'S OFFICE

CITY OF URBANA, ILL.
RECEIVED
FEB 12 1987