

# 24-07-90

Code Amendment to Chapter 309 Nuisances

Article III Weeds, Grass and Other Vegetation

**Whereas;** it is in the best interest of Stephenson County that the county zoning ordinance be updated from time to time; and,

**Whereas;** the following changes are necessary to maintain the Stephenson County Zoning Code in compliance with prevailing case and common law and general practice in the State of Illinois;

**Be it therefore ordained that** Chapter 309 Nuisances Article III, Weeds, Grass, and Other Vegetation be added.

**Be it also ordained that** Subsection 309-10 Improperly maintained vegetation-declared a nuisance be added to Chapter 309 Article III.

Any vegetation, including but not limited to, trees, bushes, grass, flowers and other plants, found to be dead, overgrown, or improperly maintained as set forth in §309-11 and §309-12 or the waste of such vegetation found to remain on any real estate in the E-1, E-2, E-3, R-1, R-2, R-3, R-4, and R-5 Residence Districts is hereby declared to be a nuisance as endangering the health, safety, welfare and property value of the public. It shall be unlawful for any owner of such real estate to permit dead, overgrown and improperly maintained vegetation to remain on any such property to the extent that it shall be each owner's responsibility to maintain such vegetation under the provisions of §309-12 and §309-13, and the owner of such real estate shall not have to have knowledge of improper maintenance of vegetation to be in violation of this Ordinance.

**Be it also ordained that** Subsection 309-11 Grass and other plants be added to Chapter 309 Article III.

It shall be unlawful for any owner of real estate in the E-1, E-2, E-3, R-1, R-2, R-3, R-4 and R-5 zoning districts to permit any grass or plants, other than trees, bushes, flowers, agricultural, or other ornamental plants, to grow to a height exceeding eight inches to the extent that it shall be each owner's responsibility to prohibit such growth to be in violation of this Ordinance. Any such grass or plants exceeding such height are hereby declared to be a nuisance.

**Be it also ordained that** Subsection 309-12 Overgrown Vegetation be added to Chapter 309 Article III.

It shall be unlawful for any owner of real estate in the E-1, E-2, E-3, R-1, R-2, R-3, R-4 and R-5 zoning districts to permit the overgrowth of vegetation on any such property causing detriment to neighboring properties or property values or causing a hazardous condition to pedestrian and/or vehicle traffic, and/or likely to harbor rats, vermin, mosquitoes and other nuisances. It shall be each owner's responsibility to remove such overgrowth, and the owner of any such real estate shall not have to have knowledge of such overgrowth to be a violation of this Ordinance.

**Be it also ordained that** Subsection 309-13 Dead vegetation be added the Chapter 309 Article III.

It shall be unlawful for any owner of real estate in the E-1, E-2, E-3, R-1, R-2, R-3, R-4 and R-5 zoning districts to permit to remain on any such property any dead trees, dead bushes, dead weeds, or other dead vegetation. It shall be each owner's responsibility to remove such dead vegetation, and the owner of any such real estate shall not have to have knowledge of such dead vegetation to be a violation of this Ordinance.

**Be it also ordained that** Subsection 309-14 Violation of this section be added to Chapter 309 Article III.

If a person is in violation of the Weed and Vegetation section of this chapter if weeds or other vegetation is maintained other than in accordance with the provisions of this section.

**Be it also ordained that** Subsection 309-15 Notices of violation; nuisance abatement be added to Chapter 309 Article III.

In the event of a violation of Article III of this chapter, the Director of Building and Zoning or their designees, the County Engineer, or their designees, shall notify in writing, such owner to cut, destroy, or remove such growth or objects as are prohibited by said Section. In the event such owner cannot be located after reasonable inquiry, posting shall be sufficient notice. The notice shall state that unless such nuisance is so abated or removed by a specific date. the County will then issue a citation to appear in court or before the Code Hearing Officer.

**Be it also ordained that** Subsection 309-16 Penalty be added to Chapter 309 Article III

Any person violating the provision of this article shall be fined as set forth in Chapter 1, General Provisions, Article II, Penalties, §1-11.

PASSED this 18<sup>th</sup> day of July 2024.

  
Chairperson of the Stephenson County Board

ATTEST:

  
Stephenson County Clerk