

## CHAPTER 11

### VEGETATION

#### SECTION 11-1: LEGISLATIVE PURPOSES

It is important to recognize that a variety of landscapes add diversity and richness to the quality of life in the Village of Lena, Illinois. It is therefore in the public interest, and within the purview of this legislation, to provide standards for the development and maintenance of the Village's landscapes, whether corporate, private, or public.

#### SECTION 11-2: DEFINITIONS

The following terms shall have the stated meanings.

**“BRUSH”** Loose wood, branches, and twigs, generated by trimming of, or storm damage to, trees: material shall be over ¼ inch, but not to exceed 4 inches in diameter, and may not be over 4 feet in length. Brush does not include yard waste, such as grass clippings, plants, or other vegetation, nor does it include stumps, roots, or root balls, no construction material, no wood with foreign objects, and no thorn bushes.

**“LANDOWNER”** One who owns or controls land within the Village, and the Village itself, as caretaker of all municipal properties such as parks, recreation areas, municipal-building sites, and right-of-ways.

**“STABILITY”** Used in an ecological sense, it suggests a state of good health and vigor, as opposed to one of impairment and decline.

**“TURF GRASS”** Grass commonly used in regularly cut lawns or play areas, such as, but not limited to bluegrass, fescue, and rye-grass blends.

**“PRESERVATION, OR RESTORATION AREA”** Means a biologically diverse area managed to preserve or restore native Illinois grasses and forbs, native trees, shrubs, wildflowers and aquatic plants; and old-field succession of native and non-native plants; or a combination of these.

**“WEEDS”** The following plant species are defined as "Noxious weeds": *Cannabis sativa*, L. (marijuana); *Ambrosia trifida* L. (giant ragweed); *Ambrosia artemisifolia*, L. (common ragweed); *Cirsium arvense* (Canada thistle); *Sonchus arvensis* (perennial member of the sorghum genus including *Sorghum halepense* (johnsongrass), *Sorghum almum* and other johnsongrass X sorghum crosses with rhizomes.

#### SECTION 11-3: LANDOWNERS' RIGHTS AND RESPONSIBILITIES

(A) This Ordinance shall apply equally to all landowners, including the Village of Lena, Illinois.

(B) Every landowner shall be responsible for creating and sustaining a condition of stability of the landscape on every parcel of land which he/she shall own or control, whether this be accomplished by traditional means (feeding, watering, cutting), or by the preservation or restoration and management of native plant communities.

(C) The ordinance recognizes the fundamental right of every landowner to develop and manage his/her landscape in the manner of his/her choosing, insofar as it does not present a hazard to the public health or safety, or the agricultural environment.

(D) It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding 8 inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance. (Amended 07/13/20)

(E) Every landowner shall be responsible for the destruction of all noxious weeds on every parcel of land which he/she shall own or control. The term "destruction" means the complete killing of plants, or effectually preventing such plants from maturing to the bloom or flower stage.

(F) No person shall permit plants of any sort, whether they are traditional exotic or ornamental varieties, noxious or nuisance weeds, or forbs, grasses, or woody plants growing on that person's property to grow into adjoining properties.

(G) No person shall put on the street the following items: grass clippings, brush/branches, yard waste and leaves. All such items must remain off the pavement and on the easement grass area next to the street. As a courtesy service to residents (residential only), the Village will provide the service of picking up brush/branches on the first and third Mondays of the month starting in April and ending in October, said brush/branches may be placed by the street up to 24 hours before pickup. The brush/branches may not exceed 4 inches in diameter, or 4 feet in length. The amount picked up at any one pickup date may not exceed the size of one forty-four (44) gallon garbage can. Any brush/branches exceeding these limits will not be taken by the Village and the property owner will be responsible for removal. A container, while not required, is strongly encouraged and would be greatly appreciated to speed up pickup and reduce Village operating costs. Village residents may haul **ONLY** grass clippings, brush/branches (sized as defined above), yard waste and leaves to the respective areas marked south of the Village Street Department Building located off of Townline Road. Debris from complete tree removal must be disposed of by the resident privately and should not be brought to the Village site. These facilities are monitored 24 hours a day, 7 days a week by cameras and violators will be fined based on the fines established in Section 11-99.  
. (Passed 08/12/19) (Amended 02/14/22)

(H) The Village ***WILL NOT*** pick up brush/branches from residents who have contracted for hire, removed by the property owner or trade the removal of trees. The residents will be responsible for properly disposing of the debris and it's not allowed to be taken to the Village facility. (Amended 11/09/20)

(I) The Village ***WILL NOT*** pick up any grass clippings or yard waste. (Passed 08/12/19)

#### **SECTION 11-4: DANGEROUS TREES**

(A) With respect to trees or shrubs on private property.

(1) Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel shall be trimmed by the owner of the premises on which such tree or shrub grows so that the obstruction shall cease. (Amended 2/13/06)

(2) Any tree or shrub which falls on or across any public way or place shall be removed by the owner of the premises on which such tree or shrub grew or stood within ten days of being notified by the Village. (Amended 02/13/06)

(3) The Village may, upon failure of the land owner to act, remove or trim any tree, shrub or portion thereof, which obstructs or impedes any Village street, sidewalk or right-of-way. The landowner shall thereafter be liable to the Village for the actual costs of removal or trimming. Failure to pay such costs within ten days of the invoice date shall subject the property to a lien in the amount of the unpaid charges. (Amended 02/13/06)

(B) With respect to trees or shrubs on Village property.

(1) Trees or shrubs located in the parkway (area between the street and the sidewalk) are the responsibility of the Village to nourish and maintain. (Amended 02/13/06)

(2) Trees requiring removal or trimming that are beyond the then current capacity of the Department of Streets shall be removed by a contractor selected through the applicable purchasing and/or bidding requirements of Chapter 8 of the Code of Ordinances. (Amended 09/12/05)

#### **SECTION 11-5: DUTCH ELM DISEASED TREES DECLARED PUBLIC NUISANCE**

Trees of all species and varieties of ulmus (elm) and Zelkova infected with the fungus ceratostomella ulmi, as determined by laboratory analysis, are hereby declared to be a public nuisance, and shall be removed and burned within ten days following notification of the discovery of such infection. It shall be unlawful for any person, firm or corporation owning property whereon such a tree is situated, to possess or keep such a tree after the expiration of ten days following notification of the discovery of said infection.

#### **SECTION 11-6: ELM BARK BEETLE BREEDING PLACES DECLARED PUBLIC NUISANCE**

Trees or parts thereof of ulmus (elm) or Zelkova in a dead or dying condition that may serve as a breeding place for the European Elm Bark Beetle, Scolytus Multistriatus, are hereby declared to be public nuisances, and it shall be unlawful for the person, firm or corporation owning the property whereon the same is situated to possess or keep the same.

#### **SECTION 11-7: ENFORCEMENT**

The Village President is charged with enforcement of this subchapter and to that end he or such person or forestry service as he may designate, may enter upon private property at all reasonable times for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected. It shall be unlawful for any person, firm or corporation to prevent the Village President or his representative from entering on private property for the purpose of carrying out his duties hereunder, or to interfere with the Village President or his representative in the lawful performance of his duties under the provisions of this subchapter.

#### **SECTION 11-8: REMOVAL OF PUBLIC NUISANCES**

The Village President or his representative shall give to the owner of the premises where the public nuisances described in §§ 11-5 and 11-6 of this subchapter are found, a written notice of the existence of such nuisance, and requiring the removal and burning to be done under the direction and supervision of the Village President or his representative. Such notice shall also notify the owner of said property that unless such nuisance is removed and burned in compliance with the terms thereof within such ten day period, the Village will proceed with the removal and burning of such nuisance, and assess the cost thereof against the property owner.

**SECTION 11-9: NOTICE OF REMOVAL TO OWNER**

Service of such notice shall be by personal service where the owner of said premises is a resident of the Village; where the owner is a non-resident of said village, said notice shall be served by registered mail, addressed to said owner at his last known address, and by publication at least once in a newspaper of general circulation of the Village.

**SECTION 11-10: DUTY OF OWNER TO REMOVE DISEASED TREE OR BREEDING PLACE**

It shall thereupon become the duty of the owner of said premises to cause such tree or breeding place to be removed and burned, under the direction and supervision of the Chairman of the Law Enforcement Committee or his representative. If the Village shall remove and burn any tree or breeding place, all expenses incurred in connection therewith shall be assessed against the property owner, and stump removal shall be the sole expense of the property owner.

**SECTION 11-11: LIEN FOR EXPENSE OF REMOVAL**

In the event the charges for such removal are not paid 15 days after rendition of a bill therefore, then such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquent charges shall constitute a lien upon the real estate upon which removal was performed. Property subject to a lien for such charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as in the case of statutory liens. Such foreclosure shall be by complaint in the name of the Village and shall be instituted upon authorization by the President and Board of Trustees of the Village, in any court having jurisdiction of such matters, against any property for which the charges for such removal remain unpaid for 15 days after a bill therefore has been rendered.

**SECTION 11-12: PLANTING OF TREES ON PUBLIC TERRACES PROHIBITED – Deleted in its entirety 11-09-20**

**SECTION 11-13: REPLACEMENT OF TREES, ALLOCATION OF COSTS**

(A) To defray the cost of tree removal pursuant to the provisions of this Chapter, the homeowner shall be assessed a fee of \$200.00 to help cover the costs of tree removal, stump removal, clean up and dirt fill. (Amended 08/12/19)

**SECTION 11-14: BARBERRY BUSHES**

It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European Barberry, further known as Barberis Vulgaris or its horticultural varieties within the Village.

**SECTION 11-15: SOLAR STATIC FENCES**

Solar charged static fences may be used to protect vegetable and flower gardens from wild life. Units may only be operated from dusk until 7:00am. No high amperage or large batteries will be allowed. (Amended 06/08/20)

**SECTION 11-16 through 11-98. RESERVED**

**SECTION 11-99: PENALTIES**

(A) Any person found to be in violation of any provision of this Chapter, shall be fined \$100.00 - \$500.00.

Each day a continuing violation exists may be deemed a separate offense.

If, as a result of the violation of any provision of this Ordinance, the injury, mutilation or death of a tree, shrub or other plant located on the Village owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall also be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest version of a Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens as published by the International Society of Arboriculture.