

ORDINANCE NUMBER: 2015-09

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR
THE VILLAGE OF CHERRY VALLEY, ILLINOIS, CHAPTER 78
SECTION 78-42. - HEIGHT LIMITATION FOR CERTAIN PLANTS AND WEEDS; THOSE
EXCEEDING LIMITATION DECLARED A NUISANCE**

WHEREAS, the Board of Trustees for the Village of Cherry Valley, Illinois, in reviewing Section 78-42 of the Code of Ordinances as it relates to height limitation for certain plants and weeds located in the Village has determined that further clarification is required by Village Ordinances; and,

WHEREAS, in order to make the clarification and distinguish between residentially zoned areas, property zoned commercial or industrial, or undeveloped areas, it is necessary to amend Section 78-42 of the Code of Ordinances for the Village of Cherry Valley, Illinois.

NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, AS FOLLOWS:

SECTION 1: Section 78-42. Height limitation for certain plants and weeds; those exceeding limitation declared a nuisance. Shall and hereby is amended to read as follows:

(a)(1) It shall be unlawful in residentially zoned areas for anyone to permit weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance except as provided in subsection (c) hereunder.

(a)(2) Any weeds, grass, plants or underbrush other than trees, bushes, flowers or other ornamental plants on property that is zoned commercial or industrial or is considered an undeveloped area shall be cut/mowed at least four (4) times each year. Said mowing shall occur on or before May 20, June 30, August 15, and September 30. It shall be the duty of the owner of record of any lot, piece or parcel of ground within the Village to cause such cutting of weeds, grass, plants or underbrush as hereinabove provided.

(a)(3) Parks, golf courses, wetlands, drainage areas, roadsides and utility easements shall be exempt from the twelve (12) inch vegetation height prohibition. Noxious weeds as defined in Section 78-41 are prohibited in these areas and subject to abatement only if ten (10) percent or more of the area is covered with noxious weeds.

(b) In drainage ditches located within the Village, it shall be unlawful for anyone to allow any weeds, grass, plants, including trees, bushes, flowers and other ornamental plants to grow to a height exceeding twelve (12) inches. Any such plants or weeds exceeding this height and which are located in the drainage ditches for surface water runoff, shall and hereby are declared to be a nuisance.

(c) Native plantings shall be allowed on all properties subject to the following restrictions:

(c)(1) Any native planting area that has ten (10) percent or more of the prohibited weeds as defined in Section 78-41 shall be required to remove the prohibited weeds or to remove the native planting area.

(c)(2) Native plantings are allowed in areas subject to the following conditions:

(i) No restrictions as to area in the rear yard except for the noxious weed content may not exceed ten (10) percent of the total vegetation;

(ii) Side yards. Not allowed unless enclosed in a sight tight fence;

(iii) Front yards provided that the total area planted with native plantings which include road rights-of-way does not exceed twenty (20) percent of the total area of the front yard.

SECTION 2: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: SALLY HOLLEMBEAK

BY ROLL CALL VOTE THIS 2nd DAY OF JUNE, 2015

AS FOLLOWS:

VOTING "AYE": STEPHEN APPELL, NANCY BELT, JEFF FUSTIN,
SALLY HOLLEMBEAK and GARY MAITLAND

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: DAVID SCHROEDER

APPROVED: JUNE 2, 2015

ATTEST:


VILLAGE CLERK


VILLAGE PRESIDENT