

## Chapter 38 VEGETATION

### ARTICLE I. IN GENERAL

Secs. 38-1—38-30. Reserved.

### ARTICLE II. PROHIBITED VEGETATION

#### Sec. 38-31. Responsibility.

No landowner shall permit property to remain in a condition that violates this article.

(A.) It shall be the duty of any person(s) having supervision, control, or ownership of any lot, tract, or parcel of land, or any portion thereof, upon which weeds, as defined in this article are growing:

- 1) Within platted subdivisions, PUDs or condominium developments in which buildings have been erected upon 60 percent or more of the lots thereof, or
- 2) On parcels of land along public right-of-way streets in common usage within the township, to a depth of 165 feet beginning at the road right-of-way, or the depth of the ownership, whichever is the lesser

to destroy said weeds before they reach a seed bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.

(B.) Nothing in this article shall apply to weeds growing in fields devoted to growing agricultural crops.

#### Sec. 38-32. Weeds and prohibited invasive plants.

For the purpose of this article, weeds and prohibited invasive plants, shall include all species on the Weeds and Invasive Plants List as adopted by the township board.

#### Sec. 38-33. Vegetation height.

Grass, weeds, and undergrowth shall not be permitted to grow to a height greater than eight inches.

#### Sec. 38-34. Definitions.

*Cultivation* means to foster the growth of plants through labor and care.

*Cultivated meadow* means an area of land covered or cultivated with grasses, usually intended to be mown for hay.

*Cultivated tree* means a tree that has a practical or significant use in agriculture or horticulture and whose unique characteristics are reproduced during propagation.

*Cultivated shrub* means a several-stemmed woody plant of garden origin that has a practical or significant use in agriculture or horticulture and whose unique characteristics are reproduced during propagation.

#### **Sec. 38-35. Exceptions.**

The vegetation height limits of section 38-33 shall not apply to:

- a) Agricultural crops.
- b) Cultivated trees.
- c) Cultivated shrubs.
- d) Flowers or other decorative ornamental plants under cultivation.
- e) Wildflowers.
- f) Vegetation in woodlands or wetlands.
- g) Cultivated meadows.
- h) Meadows in agricultural zones.
  - (1) On portions of undeveloped property behind a wooded tree line.
  - (2) On portions of un-subdivided lands more than 25 feet from a public sidewalk or a street open to the public.
  - (3) On portions of undeveloped lots in a subdivision less than 60 percent developed lying more than 25 feet from a public sidewalk or public street.

#### **Sec. 38-36. Obstructions.**

Any bush, shrub, tree or other vegetation or portion thereof obstructing the line of vision or interfering with passage of pedestrians or motorists on a sidewalk, walkway, driveway or street is prohibited.

#### **Sec. 38-37. Dead, diseased, damaged, infested trees and vegetation.**

Any tree or other vegetation which has died, or by virtue of disease, damage or insect infestation presents a hazard to persons or property on adjoining land, shall be removed.

### **Sec. 38-38. Enforcement.**

- (A.) In the event that a property covered by the provisions of this article is not maintained, the township municipal services department shall send a notice by first class mail to the owner of record of said property, and to the occupant, if not the owner, advising them of the requirements of this article and providing 7 days to comply with its provisions. One notice of violation of section 38-33, per parcel per mowing season shall be deemed adequate notice for the entire season.
- (B.) All properties not in compliance with this article after the 7-day period provided in subsection (A.) above, shall be mowed by or at the direction of the township and charges billed to the owner of record. Any additional work required to mow the property such as litter removal or trimming will also be charged as provided. The mowing charges, any additional work, and an administration fee shall be assessed as determined by a fee schedule adopted by the township board of trustees.
- (C.) Upon determination by the township that the condition of a property is a violation of this article and presents a potential threat to the public health, safety or welfare, the township may waive the 7-day notification period required in subsection (A.) above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.
- (D.) All charges which remain unpaid as of October 1, of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.

### **Secs. 38-38—38-40. Reserved.**

## **ARTICLE III. VEGETATION MANAGEMENT IN, UPON, OR ADJACENT TO EASEMENTS AND RIGHTS-OF-WAY**

### **Sec. 38-41. Scope of article.**

The provisions of this article shall apply to the removal of trees and other vegetation by public or private utilities, electric transmission companies, and telecommunication companies in, upon, or adjacent to easements and rights-of-way in the township, including removal for purposes of vegetation management in, under and adjacent to high voltage electricity transmission facilities, electricity distribution facilities, and other public or private utility facilities.

### **Sec. 38-42. Purpose and intent.**

- (a) *Purpose.* It is the purpose of this article to provide for and promote and protect the public health, safety, and general welfare of the community, and a safe, wholesome, serviceable, and aesthetically attractive municipality, by providing for the regulation of the removal of trees in, upon, or adjacent to easements and rights-of-way within the township.

- (b) *Intent.* It is the intent of the township board of trustees that the terms of this article shall be construed to promote the protection of community residents from personal injury and property damage, and the protection of the township from property damage caused or threatened by the improper or incomplete removal of trees or other vegetation located in, upon, or adjacent to easements and rights-of-way within the township, and to protect the community aesthetics, as a matters of local concern within the township.

**Sec. 38-43. Removal of trees, other vegetation, and stumps in, upon or adjacent to easements and rights-of-way.**

All public or private utilities, electric transmission companies, and telecommunication companies ("actors") engaged in the removal of any tree or other vegetation in, upon or directly adjacent to any easement or right-of-way, including without limitation any contractor, subcontractor or employee engaged in said removal in accordance with any vegetation management plan provided for or adopted under any federal or state regulation, shall provide, at the sole expense of the actor, all labor and materials necessary to (a) grind all stumps to no less than six inches below the ground level; (b) grade the area impacted by the removal consistent with the immediately surrounding grade; and (c) place sod, grass seed, or other satisfactory ground cover visually consistent with the immediately surrounding area and appropriate to the season of the year. In instances where the tree, vegetation, or stump has heaved surrounding ground area, said actor shall level the area consistent with the immediately surrounding grade. All debris, including all tree or stump parts, all stump shavings, and all sawdust or wood chips, shall be removed and carted away by and at the expense of said actor. Said actor shall be responsible for avoiding any underground utilities surrounding the location of stumps and roots of trees or other vegetation being removed.

**Sec. 38-44. Penalty for noncompliance.**

- (a) Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 2-241 of this Code. Each and every violation of this article is a separate offense, and, each and every day that any violation of this article continues is a separate offense.
- (b) The penalties provided by this section shall be owing in addition to any damages, costs or attorney fees which may be found owing to the township or any other person in any civil litigation related to any nuisance arising out of a violation of this article.

**Sec. 38-45. Rules and regulations.**

The township hereby authorizes the township supervisor, in coordination with the building official, to adopt such reasonable rules and regulations as may be necessary to carry out the purpose and intent of this article.

**Secs. 38-46—38-50. Reserved.**

## **ARTICLE IV. NATURAL LAWNS**

### **Sec. 38-51. Definitions.**

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Annual maintenance plan* means a written plan delineating the maintenance that is required throughout the year of a natural lawn which has been approved by permit.

*Natural lawn* means common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in section 38-32.

*Natural lawn management plan* means a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

### **Sec. 38-52. Growth height of natural lawn restricted.**

The growth of a natural lawn in excess of eight inches in height from the ground surface shall be prohibited within the township unless a natural lawn management plan is approved and a permit is issued by the township as set forth in this division. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

### **Sec. 38-53. Permit required; application process.**

- (a) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the utilities and municipal services department. The completed application shall include a detailed site plan, natural lawn management plan and annual maintenance plan.
- (b) Upon submitting a completed application, a filing fee in the amount established by the township board and maintained in the fee schedule available in the office of the

### **Sec. 38-54. Natural lawn plan required.**

Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the township. The term "property owner" shall be defined to include the legal title holder and/or the beneficial

owner of any such lot according to most current township records. Applicants must also submit an annual maintenance plan as part of the application process.

**Sec. 38-55. Restrictions on development of natural lawns.**

- (a) Applicants are strictly prohibited from developing a natural lawn on any road rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
- (b) Natural lawns shall not be permitted within ten feet of any adjacent lot or parcel.

**Sec. 38-56. Right of appeal of denial of natural lawn permit.**

The property owner may appeal the utilities and municipal services director's decision to deny the natural lawn management plan permit by submitting a written statement of appeal to the utilities and municipal services director. All applications for appeal shall be submitted within 21 calendar days of the notice of denial of the natural lawn management plan. The request for appeal will be placed on the agenda of a regular or special meeting of the board of trustees. The township board, by a majority vote of those voting, shall determine by a preponderance of the evidence whether the facts warrant the reversal of the denial of the natural lawn permit. The decision rendered by the township board shall be final and binding.

**Sec. 38-57. Safety precautions for natural grass areas.**

When, in the opinion of the ordinance enforcement officer or his designee, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the code enforcement officer shall consult with the director of the department of public safety or his designee and may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within three days of receiving written direction from the ordinance enforcement officer.

**Sec. 38-58. Burning of natural lawns restricted.**

- (a) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the lawn management plan. The director of the department of public safety or his designee shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the director of the department of public safety or his designee.

### **Sec. 38-59. Revocation of permit.**

- (a) The supervisor, upon the recommendation of the utilities and municipal services director, or his designee, shall have the authority to revoke an approved natural lawn management plan permit if the owner fails to maintain the natural lawn, fails to comply with the provisions of this article, or fails to follow the annual approved maintenance plan or natural lawn management plan permit.
- (b) Revocation of an approved natural lawn management plan permit shall be appealable to the township board. All applications for appeal shall be submitted within 15 calendar days of receipt of the written notice of intent to revoke the approved natural lawn management plan. Failure to file an application for appeal within the 15 calendar days shall result in the revocation of the natural lawn management plan permit. All written applications for appeal filed within the 15-calendar-day requirement will be placed on the agenda of a regular or special meeting of the board of trustees and be reviewed by the township board. The township board, by a majority vote of those voting, shall determine by a preponderance of the evidence whether the facts warrant the reversal of the denial of the natural lawn management plan permit appeal will become due. The decision rendered by the township board shall be final and binding.

### **Sec. 38-60. Natural lawn as public nuisance; abatement.**

- (a) The growth of a natural lawn in violation of this article shall be considered a public nuisance. Violators shall be served with a notice of public nuisance by first class mail to the last known mailing address of the property owner.
- (b) If the person so served with a notice of public nuisance violation does not abate the nuisance within 15 days, the utilities and municipal services director or his designee may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner.
- (c) Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises by first class mail and shall be payable within 30 calendar days from receipt thereof. Within 30 days after such costs and expenses are incurred and remain unpaid, the unpaid costs and expenses shall become a lien against the subject property and may be added to the tax rolls for the property.
- (d) A natural lawn area shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation. If any approved natural lawn is deleterious to health, safety or public welfare and is a common nuisance, the township reserves the right to revoke approval. The township may waive the 15-day notification period required in subsection (b) above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.

### **Sec. 38-61. Penalties.**

- (a) All properties not in compliance with this article after the 15-day period provided in subsection 38-60(b) above, may be mowed by the township and charges billed to the owner of record in accordance with a fee schedule adopted by the township board. Any additional work required to mow the property such as litter removal or trimming will also be charged as provided. The mowing charges, any additional work, and an administration fee shall be assessed as determined by a fee schedule adopted by the township board.
- (b) Upon determination by the township that the condition of a property is a violation of this article and presents a potential threat to the public health, safety or welfare, the township may waive the 15-day notification period required in subsection (a) above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.
- (c) All charges which remain unpaid as of October 1, of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.