

The Village of



VILLAGE OF PINGREE GROVE

ORDINANCE NO. 2010-9

**AN ORDINANCE RELATING TO THE MOWING OR ALTERATION OF
SPECIFIED LANDSCAPED AREAS WITHIN THE VILLAGE OF PINGREE GROVE
(No Mow / Low Mow)**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS
THIS 17 DAY OF May, 2010.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF PINGREE GROVE, KANE COUNTY, ILLINOIS
ILLINOIS, THIS 18 DAY OF May, 2010.

ORDINANCE NO. 2010-09

AN ORDINANCE RELATING TO THE MOWING OR ALTERATION OF
SPECIFIED LANDSCAPED AREAS WITHIN THE VILLAGE OF PINGREE GROVE
(NO MOW / LOW MOW)

BE IT ORDAINED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Pingree Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Village has heretofore adopted certain ordinances pertaining to the mowing and maintenance of properties, and has adopted ordinances requiring setback from wetland areas; and,

WHEREAS, the Village has not previously adopted ordinances and regulations pertaining to the maintenance and condition of 'conservation areas' within the Village, as defined below; and,

WHEREAS, the Village Board of Trustees has determined that it is necessary and advantageous to adopt such ordinances on the terms and conditions herein required;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois, as follows:

SECTION ONE: Ordinance Adopted

Article XIII, Chapter 4, Section 403 of the Village Code of Ordinances is hereby adopted as follows:

13.403 Maintenance of Conservation Areas within the Village:

A. Definitions: The terms listed below shall be defined, for purposes of this Ordinance, as indicated:

Conservation Area: A Conservation Area shall be defined as:

- 1) Any Delineated Wetland (as defined herein);
- 2) Any area shown on an approved final plat, plan or landscaping plan for any portion the Village as being designated for the planting, installation and/or maintenance of landscaping and plants designed to be maintained at a height in excess of six inches;

- 3) Any area shown on an approved final plat, plan or landscaping plan for any portion of the Village that is designated to be maintained in a specified fashion for the purpose of providing some environmental benefit (e.g. filtration of sedimentation, stabilization of shoreline, etc.);
- 4) Any area identified on the official Village of Pingree Grove Map of Conservation Areas as maintained at the Village Hall.

Delineated Wetland: Any area of property that has been identified as a wetland by an agency having jurisdiction to make such identifications, including but not limited to the Army Corps of Engineers, the United States or Illinois Environmental Protection Agency or the Village of Pingree Grove.

B. Official Map: The Village shall adopt an Official Map of Conservation Areas, which map shall be updated on an as-needed basis to reflect additions to or deletions from those areas identified as Conservation Areas for purposes of this Ordinance. A copy of said map shall be available for public inspection at the Village Hall during normal business hours, and Village staff shall use reasonable efforts to make the current copy of such Official Map available on the Village's official website.

C. Change in Status: No public hearing shall be necessary for changes in the Official Map; changes in the Official Map shall be made based upon the recommendation of the Village Public Works Director and/or the Village Engineer, and shall be approved by a majority vote of the Village Board. No property owner or other party shall have any right or authorization to a hearing or other due process prior to a change in the status of any property as being identified as a Conservation Area or not, nor shall any party have a continuing expectation that property shall or shall not be identified as a Conservation Area. Not less than seven (7) days before the date that any parcel of property is proposed to be approved by the Village Board identified as being a Conservation Area, the Village shall dispatch, via US Mail, postage prepaid, a notice to all owners of property that is immediately adjacent to the identified area, along with a copy of the proposed revisions to the Official Map.

D. Signage: The Village Public Works Director shall be authorized to obtain and install such signs as he shall deem reasonably necessary in the areas identified as Conservation Areas.

E. Maintenance of Conservation Areas: Notwithstanding the contrary provisions of any other Village Ordinance, maintenance of Conservation Areas shall only be permitted in a fashion that maintains them in the as-designed condition. That maintenance obligation may be defined in one of two ways: 1) the Village Board, at the time of approving the designation of any parcel of land as a Conservation Area, may also approve a maintenance plan detailing the maintenance requirements for the area; or, 2) in the absence of such an approved maintenance plan, the party responsible for maintenance of the Conservation Area shall maintain the plan to keep the area consistent with the approved landscaping plans for the area, and in accordance with all applicable rules and regulations. It shall be unlawful to engage in any unpermitted alteration of a Conservation Area, and such unlawful activity shall include, but shall not be limited to:

- 1) Mowing of grasses or other plants utilized in Conservation Areas.
- 2) Grading or regarding of Conservation Areas.
- 3) Discharging waste, debris, trash, refuse or other materials to a Conservation Area.
- 4) Applying fertilizer, herbicide, insecticide or other chemicals to a Conservation Area without the permission of the Village and the owner of the Conservation Area.
- 5) Conversion of a Conservation Area to a recreational area or for any other purpose whatsoever;
- 6) Operation of a motor vehicle or any motorized equipment, including but not limited to lawnmowers, chainsaws, weed-wackers, or other similar equipment, within a Conservation Area, other than as required to perform permitted maintenance in accordance with the requirements of the Village and the owner of the Conservation Area;
- 7) Installation of any improvements, buildings, structures, or other items, whether permanent or temporary, within the Conservation Area;
- 8) The making or construction of any other unauthorized modification of a Conservation Area.

F. Violations: Violations of this Ordinance shall be punishable by a fine as follows:

- 1) First Violation: A fine not to exceed \$150;
- 2) Second Violation: A fine of not less than \$250 nor more than \$500;
- 3) Third or Subsequent Violation: A fine of not less than \$500 nor more than \$750.

In addition to the fines contemplated above, each violator shall also be liable to the Village or to the owner of the Conservation Area for the total cost of remediating any violations, including removing any unauthorized construction or impediments, the costs of replacing any plants or structures damaged as a result of the violation, or any other costs whatsoever incurred in investigating the violation, identifying the perpetrators, and repairing any damage done to the affected Conservation Area.

G. Exemptions from this Ordinance: The following are exempt from the enforcement of this Ordinance:

- 1) Village employees, agents or contractors acting in the performance of their official duties.
- 2) Authorized third parties engaging in permitted maintenance of a Conservation Area.

H. Required Maintenance: The Owner of any Conservation Area shall be exempt from those provisions of Village Code requiring that plants be maintained at a height of six (6) inches or less. However, all such parties shall be required to perform any maintenance required by their applicable approved plans, Village-Board approved maintenance requirements, annexation agreement or development agreement, and any maintenance reasonably required to maintain the Conservation

Areas in an orderly fashion and in the condition that they were contemplated to be maintained at the time of installation. In the event any party fails to so maintain an identified Conservation Area, the Village shall notify such owner in writing of the areas of concern identified and shall attempt to schedule a meeting with the affected property owner to attempt to develop a mutually acceptable resolution of the issue. In the event that the affected party fails to take action to address the issues identified within fourteen (14) days of the date on which the Village mails a notice identifying the issues, the Village may proceed to take all such action as shall be necessary to abate the violation and shall be permitted to treat the abatement process as abatement of a nuisance in accordance with the provisions of this Village Code applicable to weeds and grass generally (i.e. with the provision of notice followed by abatement of the nuisances at property owner expenses, with the imposition of a recorded lien pursuant to the applicable provisions of the Municipal Code). Further, prior to the use of any chemical weed or insect control mechanisms or the use of fire or controlled burning within a Conservation Area, the party responsible for maintaining the Conservation Area shall be required to give notice to the Village and obtain the Village's express consent for such chemical application or controlled burn, which consent shall be subject to the imposition of any requirements that the Village deems appropriate (e.g. for chemical application, a minimum setback from any wetlands or detention basins; for controlled burning, coordination with and permission from the fire protection district).

I. Nuisance Declared: Any violation of this Ordinance, whether through unauthorized modification of a Conservation Area or through the failure to properly maintain a Conservation Area in an orderly fashion, is declared to be a public nuisance which may be abated by the Village.

SECTION TWO: GENERAL PROVISIONS

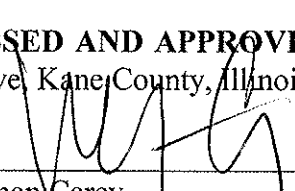
REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

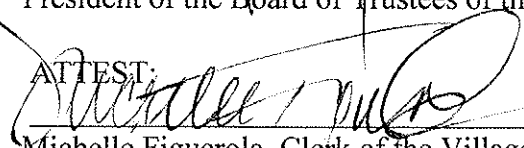
EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

CODIFICATION: The Village of Pingree Grove is presently undergoing codification of its ordinances into a unified Code Book. To that end, the chapter numbers identified above have been selected based upon the Village's estimation of what the actual chapter number shall be. That said, the Village Clerk shall be expressly authorized to change or amend the identifying chapter numbers as shall be necessary to conform such numbering to the codification of the Village's Ordinances, provided that the text of the ordinances (other than the numbering) shall not be changed. This ordinance shall remain in full force and effect without regard to the renumbering or relabeling of the paragraphs.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Pingree Grove, Kane County, Illinois this 17 day of May, 2010.



Wyman Carey,
President of the Board of Trustees of the Village of Pingree Grove

ATTEST:


Michelle Figuerola, Clerk of the Village of Pingree Grove

	Aye	Nay	Absent	Abstain
Trustee Steve Wiedmeyer	<u>X</u>	_____	_____	_____
Trustee Stephanie Mette	<u>X</u>	_____	_____	_____
Trustee Greg Marston	<u>X</u>	_____	_____	_____
Trustee Joshua Cossiboon	_____	_____	<u>X</u>	_____
Trustee Larry Gillie	<u>X</u>	_____	_____	_____
Trustee <u>Cathie Navra</u>	_____	_____	_____	<u>X</u>
Village President Wyman Carey	_____	_____	_____	_____