

MILTON TOWNSHIP

Ordinance No. O-26-04

AN ORDINANCE PROVIDING FOR THE MAINTENANCE, CUTTING, TRIMMING AND REMOVAL OF GRASS, WEEDS, BUSHES AND TREES.

WHEREAS, Milton Township ("Township") is a body corporate and politic existing and operating in the State of Illinois pursuant to the Illinois Township Code, 60 ILCS 1.01 *et seq.*; and

WHEREAS, the Supervisor and Trustees of the Township (hereinafter "Town Board") for the Township possess full power and authority to approve and pass all ordinances, resolutions, rules and regulations necessary for carrying into effect the objects for which the Township was formed, in accordance with the Illinois Township Code; and

WHEREAS, the Township Supervisor and the Town Board are committed to ensuring the effective administration and enforcement of Township Ordinances; and

WHEREAS, the Illinois Township Code (60 ILCS 1/105.15, *et seq.*) provides that the Town Board may regulate, including providing for the cutting of weeds or grass, the trimming or trees or bushes, and the removal of nuisance bushes, trees or greenery on any real property in unincorporated areas of the Township; and

WHEREAS, the Town Board has determined that it is in the best interest of the Township to regulate the weeds, long grass, overgrown bushes and trees and nuisance or deceased greenery; and

WHEREAS, the Town Board finds it necessary to update the aforementioned regulations approved in 2011 to address the existing conditions; and

WHEREAS, the Town Board finds it appropriate to repeal Ordinance NO. O-11-8, and to replace said Ordinance with the instant Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Town Board of Milton Township, DuPage County, Illinois, in regular session assembled, as follows:

SECTION 1: That the above recitals contained in the preamble to this Ordinance are true and correct and are hereby incorporated into this Ordinance, as if fully set forth herein.

SECTION 2: That Township Supervisor, Staff and the Township Attorney are hereby authorized to take all actions necessary to enforce the terms and conditions of the instant nuisance weed, grass, bush and tree Ordinance.

SECTION 3: Definitions.

The following words, terms and phases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, otherwise they shall have their usual and customary meanings.

“Weeds” shall include but not be limited to any and all forms of vegetation that are not normally or traditionally planted or desired in residential lawns.

“Grass” shall include but not be limited to any and all forms of bladed vegetation that are normally or traditionally planted or desired in residential lawns.

“Bushes” shall include any low woody perennial plant or shrub.

“Trees” shall include all woody perennial plants having a single usually elongate stem with few or no branches on its lower part, whether deciduous or evergreen.

“Nuisance Bushes or Trees” shall include any and all bushes or trees which originate on private property that are piled or placed in or on or extend into the rights of way of Milton Township roads or streets.

~~“Nuisance Greenery” shall include invasive weeds, plants, bushes, deceased or infested greenery, and other greenery along with greenery which extends beyond the property line of the property on which the greenery is located, or which causes a hazardous condition.~~

“Unincorporated Areas” shall include all areas of Milton Township not within the corporate boundaries of a municipality.

SECTION 4: Nuisance Declaration.

All grasses or weeds growing to a height exceeding eight (8) inches found to be growing on any real estate in residential areas of the unincorporated areas of Milton Township, are hereby declared to be a nuisance, and it shall be unlawful to permit such grasses or weeds to grow or remain on said property.

SECTION 5: Nuisances on Township of Right-of-Ways.

It shall be unlawful to permit nuisance bushes, trees or greenery to remain on the Township right-of-way.

SECTION 6: Nuisances on Private Property.

All trees or bushes that are dead, broken, damaged or overgrown and which by nature of their condition adversely impact and pose a threat to the health, safety or welfare of the citizens of Milton Township, or their real or personal property, are hereby declared to be a nuisance, and it shall be unlawful to permit such trees or bushes to grow or remain on said property.

SECTION 7. Required Notice to Owner.

- (a) Whenever a nuisance exists, as defined in the foregoing Sections, the Supervisor or the Clerk of the Township may serve, or cause to be served, by U.S. mail, upon the property owner(s) or the appropriate owners association a Notice to Abate such nuisance and requiring the abatement thereof on or before a date certain, but in no case later than ten (10) days from the date of such notice.
- (b) Such notice shall also advise that, in the event such nuisance is not abated by the date specified, the Township or its contractor may cut or remove the grass, weeds, bushes or trees that constitute the nuisance, which expenses shall be the responsibility of the property owner(s)
- (c) If upon reasonable search, the identity or whereabouts of the owner(s) cannot be ascertained then the notice may be mailed to the person or entity in whose name the real estate was last Assessed.

SECTION 8: Enforcement By Township.

- (a) If the nuisance is not abated by the property owner(s) in accordance with Section 5, above, the Township shall have the right, but not the obligation, to have Township employees or ~~an independent contractor cut or remove the grass, weeds, bushes or trees that constitute~~ the nuisance and to collect from the owner(s) all reasonable costs and expenses incurred in the cutting or removal.
- (b) The Milton Township Highway Commissioner shall establish a reasonable billing rate for labor, vehicles, equipment, and disposal costs to reimburse the Highway Commission for the cost of work performed by its employees.
- (c) If the work is not performed by the Township, the Township Supervisor, or designee, may hire a landscaper or other appropriate contractor to perform the work and the amounts paid therefore, together with any other costs set forth herein, shall be included in the cost to the property owner(s).
- (d) Costs and expenses shall include, but are not limited to, the cost of supervision by a Township employee and, if deemed necessary, the costs of security as requested by the Township and provided by Sheriff's Special Police deputies assigned to Milton Township, or such other suitable security.
- (e) All costs and expenses incurred by the Township for the cutting or removal of the grass, weeds, bushes or trees shall constitute a lien upon the subject real estate superior to all other liens and encumbrances except, as otherwise provided for by law.
- (f) Said notice of lien and any release thereof shall comply with the provisions of 60 ILCS 105-15(b).

- (g) The lien provided for in this Section may be foreclosed in the manner provided by law in any court of competent jurisdiction. Reasonable attorneys' fees and costs as well as other expenses incurred by the Township with respect to the filing and foreclosure of the lien shall be assessed against the owner(s) of the real estate.
- (h) In addition to any lien or foreclosure action related thereto, the Township may institute a civil action or proceeding to recover the money owed for any services performed pursuant to Section 6 (a). Reasonable attorneys' fees and costs as well as other expenses incurred by the Township with respect to the filing and prosecution of said action or proceeding shall be taxed against the owner(s) of the real estate.

SECTION 9: That if any section, this Ordinance shall be held invalid it shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 10: This Ordinance shall take effect upon passage by the Milton Township Board and publication as provided by law and may be cited as the Milton Township Weed and Grass Ordinance.

SECTION 11: Upon this Ordinance taking effect, Ordinance No. O-11-8 is repealed in its entirety.

ADOPTED this 20th day of August 2026, pursuant to a roll call vote by the Township Board of MILTON TOWNSHIP, DuPage County, Illinois.

TOWNSHIP BOARD

AYE

NAY

ABSENT

Paula McGowen, Trustee

X

X

Jacqueline McGrath, Trustee

X

Larry L. Pitts, Trustee

X

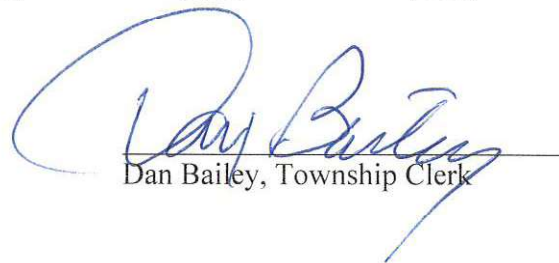
Stephen Siemer, Trustee

X

Elizabeth Higgins-Beard, Supervisor

X


Elizabeth Higgins-Beard, Supervisor


Dan Bailey, Township Clerk