

**AN ORDINANCE AMENDING CHAPTER TWENTY-FIVE AND CHAPTER ELEVEN
OF THE CODE OF ORDINANCES, CITY OF URBANA, ILLINOIS
REGULATING VEGETATION**

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60, et. seq.) states that the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the Illinois Municipal Code (65ILCS 5/11-20, et. seq.) states that the corporate authorities may provide for the destruction of weeds; and

WHEREAS, the City Council has adopted codes regulating vegetation and finds that it is in the best interests of the health, safety, and welfare of the citizens of Urbana to amend the regulations concerning vegetation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That existing Article III, "Noxious Weeds" of Chapter 25, "Vegetation", of the Code of Ordinances, City of Urbana, Illinois, is hereby repealed in it's entirety.

Section 2. That new Division 3, "Landscape Management", is hereby added to Article IV, "Nuisances", Chapter 11, "Health and Sanitation", of the Code of Ordinances, City of Urbana, Illinois, to read as follows:

DIVISION 3. LANDSCAPE MANAGEMENT

Sec. 11-61. Definitions.

The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them:

Vegetation means all species of woody or herbaceous plants, such as: grasses, vines, flowers, vegetables, herbs, fruit, ornamentals,

or accumulations thereof, whether alive or dead, excluding trees and shrubs.

Sec. 11-62. Nuisances, specifically defined.

Under this division, public nuisances shall include, but not be limited to the following acts, conducts, omissions, conditions or things found on any premises:

(A) Vegetation, trees or shrubs which may reasonably be expected to injure other forms of life such as: Jimson Weed (*Datura stramonium* L.), Poison Hemlock (*Conium maculatum* L.), Poison Oak (*Rhus toxicodendron* L.), Poison Sumac (*Rhus vernix* L.), or Poison Ivy (*Rhus radicans* L.);

(B) The occurrence of plants defined as noxious plants in the Illinois Noxious Weed Law: Johnson grass and all perennial sorghums (*Sorghum halepense* (L.) Pers.), Canada thistle (*Cirsium arvense* (L.) Scop.), Musk thistle (*Carduus nutans* L.), Marijauna (*Cannabis sativa* L.), Perennial Sow thistle (*Sonchus arvensis* L.), Giant Ragweed (*Ambrosia trifida* L.), and Common Ragweed (*Ambrosia artemisiifolia*, L.);

(C) Vegetation or shrubs which aids in the breeding or harboring of rats, or other vermin, or insects which may reasonably be expected to injure or harm human life;

(D) Vegetation, trees and shrubs which hinders the expedient removal of municipal waste or any nuisance abatement measures;

(E) Vegetation, trees or shrubs, or portions thereof, constituting an imminent hazard;

(F) Vegetation, shrubs or trees, except city owned and maintained trees, which prevents the free and unobstructed travel of pedestrians within a sidewalk corridor, such corridor is defined as being the full horizontal width of a paved sidewalk and seven (7) feet in vertical height above the sidewalk, or which otherwise negatively affect traffic or pedestrian safety by impairing the visibility of pedestrians or vehicle operators ingressing or egressing from driveways;

(G) The occurrence of vegetation in excess of eight (8) inches in height, on premises except the following:

(1) Trees, shrubs, vines and annual and perennial herbaceous ornamental plants which are maintained in such a manner so as to not be considered a nuisance as provided herein;

(2) Edible vegetation that constitutes part of a managed crop or vegetable garden, provided such crop or vegetable garden is not considered a nuisance as provided herein;

(3) Vegetation allowed under the managed landscape plan permit;

(4) Land zoned agriculture (AG) or conservation-recreation-education (CRE) as shown and designated on the official zoning map of the city, provided however, that the portions of those lands exempted by this subsection which are within twelve (12) feet of the property line or the right-of-way of a street or alley, must be maintained at a height of eight (8) inches or less;

(H) Vegetation or shrubs which is aggressively invasive, or by way of growth or maturity clearly encroach upon neighboring property owners property, such as: Japanese Honeysuckle (*Lonicera japonica*), Ribongrass (*Pharlaris arundinacea*) or Purple Loosestrife (*Lythrum salicaria*);

(I) Vegetation, tree or shrub debris, or accumulations thereof, which by reason of the manner, location, or condition of such results in visual blight or constitutes a health or safety concern.

Violation(s) of this section is declared to be a class 1 offense.

Section 11-63. Compliance with state laws.

Nothing in this division shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and control thereof.

Section 11-64. Managed landscape plan permit.

(A) *Application for permit.* Any person who controls land in the city may apply for approval of a managed landscape plan, for a permit granting conditional exception where the vegetation exceeds eight (8) inches in height on premises, with the public works department.

(B) *Plan description.* Managed landscape plan means a written plan relating to management of the vegetation within the area described together with a statement of intent and purpose of such area and a general description of the vegetational types, plants and plant succession involved and the specific management and maintenance techniques to be employed. The plan must include provisions for cutting and maintaining vegetation at a length not greater than eight (8) inches for that portion between the sidewalk and the street or a strip of not less than four (4) feet adjacent to the street where there is no sidewalk, and at least a three (3) foot strip adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

(C) *Form and submission of application.* Each application for a managed landscape plan permit shall be submitted on a form provided by the public works department. If the lot(s) for which a permit is sought is located in a R-1, R-2, or R-3 zoning district, the city shall, seven (7) days prior to issuing the permit, send by 1st class mail a copy of the application to each of the property owners immediately adjacent to such lot(s). A managed landscape plan permit shall be valid for one year from date of issuance unless sooner revoked. Mailing copies of the application to adjacent property owners shall not be required if the renewal application is unchanged from the previous year.

(D) *Revocation of permit.* The permit issued hereunder may be revoked by the public works department for failure to comply with the conditions of the permit or the provisions of this division. Within twenty-one (21) days after issuance of a managed landscape plan permit, an initial inspection will be made to ensure compliance with the plan. Periodic inspections shall also be made to determine if the permit holder has complied with the plan and if the permit holder has not complied with the proposed plan, the permit may be immediately revoked. Notice of revocation shall be mailed to the permit holder by first class mail. The permit holder may appeal such decision to revoke the permit to a committee of the city council by mailing a notice of appeal within seven (7) days of the date of the notice of revocation to the environmental manager of the public works department. Hearing of the appeal shall follow the procedures for hearing an appeal as provided in subsection (E). If no notice of appeal is submitted within seven (7) days of the date of the notice of revocation and the property still constitutes a

nuisance as defined in this division, the city or designated agent may take steps to bring the property into conformity with this division.

(E) *Denial of permit.*

(1) If, after due consideration of the information in the application the public works department determines that the plan is unsatisfactory, the application will be denied and a permit will not be issued. A notice of denial will be sent to the applicant by first class mail within fifteen (15) days.

(2) Denial of issuance of a permit may be appealed by mailing to the environmental manager of the public works department a notice of appeal within seven (7) days of receipt of notice of denial. A hearing on this appeal shall take place at a regularly scheduled city council committee meeting, not less than fifteen (15) days after receipt of the request for hearing.

(3) At the conclusion of this hearing, the decision of whether denial of the permit (or revocation of the permit, as the case may be) should be upheld, shall be decided by a majority vote of those city council members present.

(4) Where a permit is denied following an application for such and the nuisance(s) has not been abated, the denial of a permit shall function as renote requiring abatement of the nuisance within seven (7) days of receipt of such denial unless an appeal is sought. When an appeal has been sought and the council committee affirms to uphold denial of the permit, such affirmation shall function as renote requiring abatement of the nuisance within seven (7) days of the mailing of notice of the denial of the appeal.

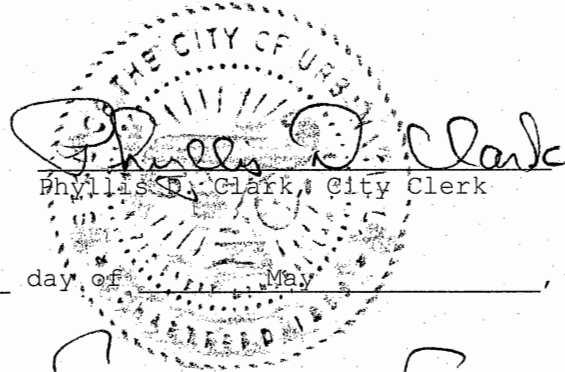
PASSED by the City Council this 7th day of May,

2001 .

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 8th day of May,

2001 .

James H. Hayes Jr.
Tod Satterthwaite, Mayor
By James H. Hayes, Jr.
Mayor Pro-tem