

VILLAGE OF SWANSEA, ILLINOIS

ORDINANCE NO. 1988

AN ORDINANCE RENAMING A SECTION WITHIN CHAPTER 91 OF THE SWANSEA CODE OF ORDINANCES AND ESTABLISHING DEFINITIONS AND REGULATIONS WITHIN THAT SECTION REGARDING GRASS, TREES, VEGETATION, AND WEEDS.

ADOPTED BY THE BOARD OF THE TRUSTEES
OF THE
VILLAGE OF SWANSEA

THIS 2nd DAY OF June 2025.

Published in pamphlet form by authority of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 25th Day of June, 2025.

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WHEREAS, the Village of Swansea is committed to ensuring the health, safety, and welfare of its residents; and

WHEREAS, the Village of Swansea desires to clarify and strengthen regulations concerning grass, trees, vegetation, and weeds; and

WHEREAS, the Village of Swansea finds it necessary and beneficial to revise the section title to more accurately describe its content and enhance the usability and clarity of the Code of Ordinances for Village officials, staff, and the general public; and

WHEREAS, it has been determined that renaming the section within Chapter 91, and amending its contents enhances clarity, better reflects the scope of regulation, and promotes consistent enforcement of the provisions set forth in Chapter 91.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SWANSEA, ILLINOIS:

SECTION 1: TITLE CHANGE

For the purpose of this ordinance, the section within Chapter 91 currently titled 'Weeds' should be re-titled 'Grass, Trees, Vegetation, Weeds'

SECTION 2: DEFINITIONS

For the purpose of this Ordinance, section 91.15 of the Swansea Village Code of Ordinances is hereby amended by adding the following definitions:

Weeds – All grasses, annual plants, and vegetation, other than trees or shrubs, including but not limited to Burdock, ragweed, thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lambs' quarter, wild lettuce, curled dock, smartweeds (all varieties), poison hemlock, wild hemp, Johnson grass, and all other noxious

weeds as defined by 505 Illinois Compiled Statutes 100/1, Illinois Noxious Weed Law, most recently amended.

Accumulation - Branches, fruit, leaves, limbs, pruning's, stumps, trimmings, and parts of trees, which have been cut, removed, severed, or have fallen and remain on the lot or premises.

Cultivated - To grow and care for; plants that are grown for their produce.

Fire Hazard - Vegetation, which is dry and combustible including, but not limited to, weeds, grass or clippings, dead bushes or trees or their parts, and other combustible vegetative materials.

Grass - Vegetation consisting of typically short plants with long, narrow leaves, growing wild or cultivated on lawns and pasture, and as a fodder crop.

Health Hazard - Vegetation or accumulations providing harborage for rats, rodents (excluding squirrels and chipmunks), vermin or other disease carrying pests. Vegetation or accumulations likely to attract or harbor mosquitoes or other common back yard pests. Vegetation, which is poisonous or noxious including, but not limited to, poison ivy, poison oak, poison hemlock, poison sumac, and nightshade, or that which creates a danger of contamination or disease.

Noxious Weeds - As defined by 505 Illinois Compiled Statutes 100/1, Illinois Noxious Weed Law, most recently amended.

Nuisance - Any act or offense which is a nuisance according to the common law of the State of Illinois or declared or defined to be a nuisance by the ordinances of the Village of Swansea. In addition, the officials of the Village shall be authorized to abate any nuisance which, while not specifically defined within this Chapter, shall constitute the unreasonable, unwarrantable, or unlawful use by a person of property, real or personal, or from his own improper, indecent or unlawful personal conduct which works to obstruct or injure the rights of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated at Village discretion after proper notice has been served.

Overgrowth - Excessive growth.

Plant - A living organism of the kind exemplified by trees, shrubs, herbs, grasses, ferns, and mosses, typically growing in a permanent site.

Public Health and Welfare Hazard - Dead or dying trees, tree limbs or branches, plants, shrubs, or other such vegetation which, by reason of their location, size or state of deterioration, constitute a danger to the public health, or welfare, and/or trees and vegetation which are infected by disease or blight, dangerous to animals, persons, other trees, or plant life.

Safety Hazard - Vegetation which overhangs the streets, sidewalk, or alley in such a way as to impede the free and full use of the street, sidewalk or alley, and/or vegetation which obstructs the

vision of drivers such that traffic regulation signs or view of an intersection is obstructed from a position of thirty feet (30') or closer to the intersection, and/or vegetation which creates injury or the opportunity of risk to the general public.

Stump - The part of a plant, and especially a tree, remaining attached to the root after the trunk is cut.

Tree - A woody perennial plant having a single, usually elongate, main stem generally with few or no branches on its lower part, a shrub or herb of arborescent form.

Vegetation - Trees, shrubs, grass, weeds, bushes, vines, and other plant materials including, but not limited to, clippings, fallen leaves, fruit or branches.

Weed Tree - Any tree that grows invasively, prolifically or is of little commercial value.

Uncultivated – Growing or developing without care.

SECTION 3: AMENDMENT TO AND RETITLING OF SECTIONS 91.16, 91.17, 91.18, 91.19, 91.20, 91.21, 91.22

91.16 VEGETATIVE ACCUMULATIONS

- A. Vegetative accumulations; Nuisance declared:** Vegetative accumulations that have not been removed from a lot or premises within ten (10) days after cutting, removal, severance, and/or falling is hereby declared a nuisance.
- B. Duty to remove vegetative accumulations:** No owner shall allow, permit, or maintain on any such lot, or part of same, including an adjacent right-of-way, vegetation accumulations which have not been removed from the premises within ten (10) days after such cutting, removal, severance, or falling including those vegetation accumulations which were cut, removed, severed, or fell prior to the adoption of this chapter. Stumps, when present, shall be removed to match existing final grade of the area the tree was cut from.

91.17 NUISANCE

- A. It is hereby declared to be a nuisance, and it shall be unlawful, for the owner or occupant of any lot of developed land, including adjacent right-of-way, to refuse or neglect to cut weeds, weed trees, noxious weeds, vegetation, or any variety of grasses, when such weeds, weed trees, vegetation, or grasses shall have reached a height in excess of eight (8) inches.
- B. It is hereby declared to be a nuisance, and it shall be unlawful, for the owner or occupant of any lot of vacant land, including adjacent right-of-way, to refuse or neglect to cut weeds, weed trees, noxious weeds, vegetation, or any variety of grasses, when such weeds, weed trees, vegetation, or grasses shall have reached a height in excess of 20 inches.

91.18 HAZARDS

A. Hazards; Nuisance declared: The following conditions are hereby declared nuisances within the Village of Swansea.

1. Vegetation constituting a fire hazard
2. Vegetation constituting a health hazard
3. Vegetation constituting a public health and welfare hazard
4. Vegetation constituting a safety hazard

B. Duty to abate hazards: No owner shall allow, permit, or maintain on any such lot, or part of same, including an adjacent right-of-way, vegetation that is deemed a fire, health, public health, safety, and/or welfare hazard. Stumps, when present, shall be removed to match existing final grade of the area the tree was cut from.

91.19 NOXIOUS WEEDS

- A. **Noxious Weeds; Nuisance Declared:** Noxious weeds, regardless of height, as defined by 505 Illinois Compiled Statutes 100/1, Illinois Noxious Weed Law, most recently amended, is hereby declared a nuisance.
- B. **Duty to Abate Noxious Weeds:** No owner shall allow, permit, or maintain on any such lot, or part of same, including adjacent right-of-way, the growth of noxious weeds, as defined by 505 Illinois Compiled Statutes 100/1, Illinois Noxious Weed Law, most recently amended, regardless of height.

91.20 VEGETATIVE OVERGROWTH

- A. Vegetative Overgrowth; Nuisance Declared:** Vegetative overgrowth, including but not limited to trees, uncultivated bushes, flora, flowers, greenery, herbage, herbs, plant materials, shrubs, vegetables, vines, undergrowth, verdure, and other plant materials including, but not limited to, their clippings, branches, fruit, and/or fallen leaves is hereby declared a nuisance.
- B. Duty to abate vegetative overgrowth:** No owner shall allow, permit, or maintain on any such lot, or part of same, including an adjacent right-of-way, plant and vegetative overgrowth, including but not limited to trees, uncultivated bushes, flora, flowers, greenery, herbage, herbs, plant materials, shrubs, vegetables, vines, undergrowth, verdure, and other plant materials including, but not limited to, their clippings, branches, fruit, and/or fallen leaves.

91.21 NOTICE

The Zoning Administrator, their designee, or any other person so designated by the President of the Village Board of Trustees may issue a written notice for removal of weeds, weed trees, noxious weeds, vegetation, or any variety of grasses. Such weeds, weed trees, noxious weeds, vegetation, or any variety of grasses shall be cut by the owner or occupant within 7 days after such notice has been duly served.

91.22 SERVICE OF NOTICE

Service of such notice may be had either by personal service upon said owner, or to any member of his or her household 15 years of age or older found on the premises, or by mailing such notice to the last known residence address of the owner by certified mail; provided that, if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

SECTION 3: CREATING SECTIONS 91.23, 91.24, 91.25, 91.26, 91.27 WITHIN CHAPTER 91

91.23 ABATEMENT BY VILLAGE

In conformity with the provisions of the statutes in such case made and provided, upon failure of the owner of any premises within the limits of the Village to abate the violation within the time designated by such notice, then, in such event, the Village, through its duly authorized agents and employees, may abate the violation(s), keeping an account of the expenses of the abatement, and such expense shall be charged and paid by such owner or occupant.

91.24 LIEN

- A. Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner.
- B. If this bill is not paid within 30 days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the Village shall be recorded in the following manner:
 - 1. A description of the real estate sufficient for identification thereof;
 - 2. The amount of money representing the cost and expenses incurred of payable for the service; and
 - 3. The date or dates when said cost and expense was incurred by the Village and shall be filed within 60 days after the cost and expense is incurred.

91.25 PAYMENT

Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed on record in the same manner as filing notice of the lien.

91.26 FORECLOSURE OF LIEN

Property subject to a lien for unpaid Village expense regarding cutting of weeds, weed trees, noxious weeds, vegetation, or any variety of grasses shall be sold for non-payment of the same after deducting costs, as in the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village, after the lien is in effect for 60 days.

91.27 VIOLATION; PENALTY

Any person, firm, or corporation who shall violate a provision of this ordinance or fail to comply therewith, or with any of the requirements thereof, may be penalized pursuant to Section 10.99 of the Village of Swansea Code of Ordinances.

SECTION 4: SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions or applications of the Ordinance that can be given effect without the invalid provision or application.

SECTION 5: EFFECTIVE DATE

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

Passed this 2nd day of June, 2025 by the Board of Trustees of the Village of Swansea, St. Clair County, Illinois

Gloria Collier By: Stefanie Raffitt
Gloria Collier, VILLAGE CLERK Deputy Clerk

LANTER aye LEWIS aye JABLONSKI aye THOUVENOT aye
POCHEK aye MCGUIRE aye

Approved by the President of the Board of Trustees of the Village of Swansea, St. Clair County, Illinois, this 2nd day of June 2025.

Jeff Parker
JEFF PARKER, PRESIDENT BOARD OF TRUSTEES

Attest:

Gloria Collier
GLORIA COLLIER, VILLAGE CLERK



STATE OF ILLINOIS}

COUNTY OF ST. CLAIR}

CERTIFICATION

I, Gloria Collier, do hereby certify that I am the duly appointed Clerk in and for the Village of Swansea, Illinois.

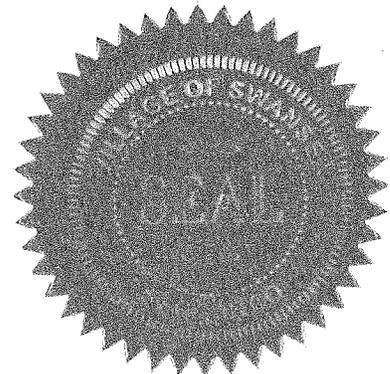
I further certify that on June 2nd, 2025 the Corporate Authorities of the Village of Swansea passed and approved Ordinance No. 1988 entitled:

AN ORDINANCE RENAMING A SECTION WITHIN CHAPTER 91 OF THE SWANSEA CODE OF ORDINANCES AND ESTABLISHING DEFINITIONS AND REGULATIONS WITHIN THAT SECTION REGARDING GRASS, TREES, VEGETATION, AND WEEDS

The pamphlet form of Ordinance No. 1988, including the Ordinance and a cover sheet thereof was prepared and a copy of such Ordinance was posted in the municipal building, commencing on June 25th, 2025 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at SWANSEA, Illinois, this 25th day of June, 2025.

Gloria Collier
GLORIA COLLIER, VILLAGE CLERK
Village of Swansea, Illinois



STATE OF ILLINOIS }
COUNTY OF ST. CLAIR }

AFFIDAVIT

I, Stefanie Proffitt, an employee of the Village of Swansea, St. Clair County, Illinois, do solemnly affirm that:

AN ORDINANCE RENAMING A SECTION WITHIN CHAPTER 91 OF THE SWANSEA CODE OF ORDINANCES AND ESTABLISHING DEFINITIONS AND REGULATIONS WITHIN THAT SECTION REGARDING GRASS, TREES, VEGETATION, AND WEEDS
was posted at the Swansea Government Center, 1444 Boul Avenue, Swansea, Illinois, commencing on

June 25th, 2025, at 2:30 o'clock P.M.

Stefanie Proffitt
Written Signature

Subscribed and sworn before me on this 25th day of June 2025.

Amy Neutzling
Notary Public

(Notary Seal)

