



TITLE IX GENERAL REGULATIONS

CHAPTER 90: PUBLIC NUISANCES

Section

Noxious Plants and Weeds

90.01 2003 International Property Maintenance Code

Dutch Elm Disease

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NOXIOUS PLANTS AND WEEDS

§ 90.01 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE

For the purpose of regulating noxious plants and weeds growing within the corporate limits of the Village, the Village adopts by reference the *2003 International Property Maintenance Code*.

§ 90.15 PURPOSE; DECLARATION OF NUISANCE

Dutch Elm Disease is injurious and destructive to elm trees. Elm trees infected with Dutch Elm Disease serve as host trees or host plants and as such promote the prevalence and abundance of the pests and insects causing Dutch Elm Disease. In order to preserve the elm trees in the Village and control the spread of Dutch Elm Disease, it is necessary to declare any elm tree infested with Dutch Elm Disease a nuisance.

Penalty, see § 10.99

§ 90.16 DEFINITION

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DUTCH ELM DISEASE. The infection, detrimental contact, or infestation of an elm tree by Dutch Elm Beetle or Elm Bark Beetle.

§ 90.17 INSPECTOR TO BE APPOINTED

The President of the Board of Trustees by and with the consent of the Board shall annually appoint a Horticultural Inspector who shall serve until his successor is appointed and qualified. The salary of the Inspector shall from time to time be determined.

§ 90.18 DUTIES OF INSPECTOR; LABORATORY ANALYSIS

(A) If the Inspector shall have reason to believe that any elm tree, shrub, or bush has Dutch Elm Disease, the Inspector shall have the right to enter on the property or premises on which the tree, shrub, or bush is located and shall have the power to inspect or cause to be inspected from time to time the tree, shrub, or bush on the property. The Inspector shall have the right to remove a sufficient specimen from the tree, trees, bush, or shrubs for laboratory analysis.

(B) If the laboratory analysis of the specimen described in division (A) of this section or an opinion of a qualified tree surgeon or horticulturalist discloses the infection, infestation, or detrimental contact by the Dutch Elm Disease of any tree, bush, or shrub, the Horticultural Inspector shall cause notice of the nuisance to be sent to the owner or other responsible person of the premises on which the tree, bush, or shrub is located.



§ 90.19 ABATEMENT

(A) Upon receipt of the notice described in § 90.18(B), the owner shall abate and dispose of the nuisance under the direction of the Inspector within 15 days.

(B) Whenever the owner or other responsible person cannot be found or shall fail, neglect, or refuse to abate the nuisance, the Village may proceed to abate the nuisance and the expense thereof, together with all costs, shall be paid by the owner and shall be collected by the Village, or if not immediately, the Village Clerk shall prepare and file a lien against the premises in question with the appropriate county official in the county wherein the premises is located.