ORDINANCE 2018-045  PASSED: AUGUST 27, 2018


WHEREAS, the City of DeKalb is a home rule Illinois municipal corporation, with the power and authority granted to it under the Illinois Constitution of 1970, the Illinois Municipal Code, and the City Code of Ordinances; and

WHEREAS, the City of DeKalb currently maintains Chapter 6 "Streets, Alleys and Sidewalks", and Chapter 12 "Nuisances", of the City Code and wishes to adopt certain revisions to said Code; and

WHEREAS, the City has determined that adoption of such revisions is in the best interests of the public, and preserves the public health, welfare, safety and morals;

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. City Code Section 6.20-5, Vegetation and Managed Natural Landscape is hereby adopted as follows:

6.20-5 VEGETATION AND MANAGED NATURAL LANDSCAPE

a) Purpose. It is the purpose of this Section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of Planned Natural Landscaping that add diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public’s interests to provide standards regarding the maintenance of vegetation because vegetation that is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public’s interest to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities, which can be economical, low-maintenance and effective in soil and water conservation. The City enacts this Section to balance these competing interests.

b) Definitions. Whenever the following words or terms are used in this Section 6.20 they shall be construed to have the following meanings:

1. Planned Natural Landscaping means a planned, intentional and maintained planting of plants, grasses and/or groundcovers, rain gardens and bioswales, or shrubs and/or trees. Planned Natural Landscaping does not include any species
of turf grasses and is not intended to allow a property owner to ignore yard care duties nor to allow for unmowed/unmaintained areas to be deemed naturalized.

2. Garden means a cultivated area dedicated to growing any combination of fruits or vegetables in a well-defined and well-maintained location.

3. Landscape Beds mean cultivated areas with a defined and maintained border which contains plants that are intentionally planted, cultivated and maintained. Plantings may include native or non-native ornamentals, trees and/or shrubs. Allowable groundcovers include tilled earth, crushed stone, gravel, mulch or vegetative groundcovers or other groundcovers acceptable to the Community Development Director or designee.

4. Lot Lines means the edge of a property. The “front lot line” is presumed to be coincident with the edge of sidewalk furthest from the roadway. In the absence of sidewalk, the “front lot line” is presumed to be 10 feet off the back of curb, or in the absence of curb, 10 feet from the edge of pavement. Property owners may request the City approve an alternate measurement for “lot lines” for the purposes of this Ordinance and subject to the approval of the Community Development Director.

5. Rain Garden means a plant garden that is designed not only to improve properties aesthetically, including bioswales, but also to enhance infiltration or reduce the amount of storm water and accompanying pollutants that may enter streams, rivers, lakes, or other bodies of water.

6. Turf Grasses mean grasses commonly used in regularly cut lawns or play areas and include bluegrass, fescue or rye grass blends or any other similar grasses.

7. Unmanaged Plant Growth means any grass, hay, weeds, brush, volunteer trees or similar vegetation which has grown to a height of more than eight (8) inches, but does not include planted and cultivated plants located:

(a) in gardens,

(b) in landscape beds,

(c) on agricultural land (which is zoned for such use, taxed at the rate applicable to agricultural use, and actively utilized in commercial agricultural production, with a minimum size of not less than ten acres),

(d) adjacent to streams, rivers, lakes or detention ponds, when within areas that are defined on approved plans as being naturalized,

(e) within steep slopes (greater than 3:1), ditches and drainage ways that include steep slopes or which have been approved by the City for utilization of plantings for sediment control or erosion protection, and delineated wetlands, and
(f) in planned natural landscape areas that are in compliance with the standards in this ordinance and which are wholly contained within the parcels on which they are planted and maintained, and

(g) within areas owned and operated by the State of Illinois or a unit of government.

c) Planned Natural Landscaping

1. Planned Natural Landscaping Guidelines:

(a) In order to establish Planned Natural Landscaping areas, turf grass shall be completely eliminated, and the plants, trees and shrubs included in the planned natural landscaped area shall be planted through transplanting or seeding by human or mechanical means.

(b) Residential Standards (Illustrated in Exhibit A):

i. Setbacks:

   a. Two (2) feet from front lot lines when adjacent to a public sidewalk and zero (0) feet from front lot lines when there is no public sidewalk.

   b. Two (2) feet from rear and side lot lines and 0 feet from rear and side lot lines when the lot lines abut forests or other open-space use areas that are lawfully not regularly mowed or maintained.

   c. The setback areas may include regularly cut turf grass, low-growing (not greater than eight (8) inches) sedges, regularly maintained garden and landscape beds, intentionally planted and maintained trees, shrubs, hedges, mulch, wood chips or commercial landscaping materials, such as stones or bricks. Plants, shrubs or other vegetation must be maintained in a manner that does not obstruct or interfere with public or private sidewalks or other access points.

The foregoing standards are outlined in the attached Exhibit A, which is incorporated herein by reference.

ii. All plants, excluding trees and shrubs, in Planned Natural Landscaping and located in a front yard shall not be taller than 24 inches.

iii. City of DeKalb Municipal Code Chapter 6, “Streets, Alleys and Sidewalks” Section 6.19 and 6.20 shall also govern plantings in the parkway and the more restrictive of this ordinance or those ordinances shall govern.

iv. Planned Natural Landscaping must allow a three-foot wide access route to utility meters, valve boxes, vaults, grates, and other utility structures for access by service personnel. The access route should be regularly cut turf grass, mulch, wood chips or commercial landscaping materials, such as
stones or bricks, which permit ready access by utility crews or first-responders.

v. Planned Natural Landscaping less than 24 inches high is allowed within a five-foot radius of a private mailbox.

vi. No landscaping, including but not limited to Planned Natural Landscaping may alter, relocate, or otherwise modify the drainage of surface waters, sump pump discharges, gutter drainage or any other form of surface, manmade or subsurface drainage without a drainage permit or completion of a full site review process in accordance with City Code.

vii. Planned Natural Landscaping shall be mechanically cut to a maximum height of eight inches at least once annually. Burning shall not be allowed.

(c) Commercial/Industrial Standards: Areas that are zoned Commercial/Industrial may include Planned Natural Landscaping as approved in site plans for any given parcel. Site plans shall meet the Residential Standards as a minimum, unless specific exemptions are provided in the approved plans.

(d) Farmland: Areas that are zoned for use as farmland, which are at least five acres in size, which are recognized on County tax rolls as being utilized for farmland, and which are actively in use as productive farmland (i.e., the property is used for the purpose of growing a commodity) shall be permitted to have naturalized ditches, waterways, filter strips and similar areas, with grasses not exceeding three (3) feet in height, provided that such areas are periodically (at least semi-annually) mowed to a height of not greater than eight (8) inches.

d) Unmanaged Plant Growth

1. A person owning, occupying, or controlling any lot or property shall mechanically cut down and remove any plant growth that is not in compliance with this ordinance (or other applicable City codes), and shall otherwise maintain such land in accordance with the requirements of this ordinance and other applicable City codes.

2. The presence of turf grass in excess of eight inches in height shall be a per se violation of this Ordinance.

3. If a person neglects to cut and/or remove unmanaged plant growth as required under paragraph 1. of this section or otherwise violates any provision of this ordinance or any other ordinance regulating plantings or property maintenance, the City shall have the option to enter upon the premises and cut down and remove the unmanaged or non-compliant plant growth or cause it to be cut down and removed. The cost of cutting down and removing the growth shall be a debt due and owing from the owner and occupants of the property (jointly and severally) and shall be a lien against the property (along with any costs incurred in recording, enforcing or collecting such costs).
e) Control of Noxious Weeds

1. It shall be unlawful to maintain or permit to grow any weeds prohibited by the Illinois Noxious Weed Law (505 ILCS 100/) within the corporate limits of the City of DeKalb. Property owners and occupants have an affirmative duty to remove such weeds.

Section 2. City Code Section 12.01, Nuisances Declared, is amended with the revision of subsection (22) as follows:

22. Weeds. To permit the growth upon any premises in the City of any noxious weeds, such as buckthorn, bull nettle, burdock, Canada thistle, cocklebur, curled dock, dodders, field bindweed, giant foxtail, hoary cress, jimson weed, johnson grass, leafy spurge, ox eye daisy, perennial sow thistle, quack grass, ragweed, Russian-knapweed, sweet clover, wild carrot, wild garlic, wild mustard or like weeds; or to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the City, or to permit any premises to become grown up with weeds and brush so that the same become injurious to the health of the community.

Section 3. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 4. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 5. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: August 28, 2018. Effective date: September 6, 2018.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 27th day of August, 2018 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

ATTEST:

LYNN A. FAZEKAS, City Clerk

JERRY SMITH, Mayor
Managed Landscape Ordinance - Reference Drawing of Typical Corner Property

Note: Dimensions and proportions may not be indicative of the actual residential lot