

**COUNTY OF KENDALL, ILLINOIS**  
**COMMITTEE OF THE WHOLE**  
**County Office Building; 111 W. Fox Street, Yorkville**  
**Thursday, August 10, 2017 at 4:00 PM**  
**AGENDA**

1. **Call to Order and Pledge to the American Flag**
2. **Roll Call:** Matthew Prochaska, John Purcell, Bob Davidson, Elizabeth Flowers, Tony Giles, Judy Gilmour, Scott Gryder, Lynn Cullick, Matt Kellogg, Audra Hendrix
3. **Old Business**

From August 1, 2017 County Board Meeting:

- *Approval of the Animal Control 10' x 40' Mobil Office purchase from Acton Mobile Industries in the amount of \$9,800.00 from account #3401-000-6650*

From Planning, Building & Zoning Committee:

- *Petition 17-14-Kendall County Zoning Board of Appeals  
Request: Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance  
Purpose: Amendment Would Set Guidelines for the Calling of Meetings on Items that Require a Public Hearing and for the Calling of Meetings on Items that do not Require a Public Hearing as Defined by State Law*
- *Petition 17-15-Kendall County Zoning Board of Appeals  
Request: Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance  
Purpose: Amendment Would Reduce the Number of Votes Required for the Zoning Board of Appeals to Reverse any Order, Requirements, Decision or Determination of the Zoning Administrator, or to Decide in Favor of the Applicant any Matter upon which It Is Authorized by the Ordinance to Render Decisions from Four to Three on Boards Consisting of Five Members and from Five to Four on Boards Consisting of Seven Members*
- *Approval to Sign and Send Letter RE: Illinois Noxious Weed Law to Mayors and Township Supervisors*
- *Discussion of Hideaway Lakes Special Use Permit*

4. **New Business**
5. **Public Comment**
6. **Questions from the Media**
7. **Chairman's Report**
8. **Review Board Action Items**
9. **Executive Session**
10. **Adjournment**

**COUNTY OF KENDALL, ILLINOIS**  
**COMMITTEE OF THE WHOLE**  
**Thursday, July 13, 2017**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE** - The meeting was called to order by County Board Chair Scott Gryder at 4:06p.m., who led the committee in the Pledge of Allegiance to the American Flag.

**ROLL CALL**

Attendee	Status	Arrived	Left Meeting
Scott Gryder	Present		
Lynn Cullick	ABSENT		
Bob Davidson	Yes		
Elizabeth Flowers	ABSENT		
Tony Giles	Here		4:48p.m.
Judy Gilmour	Here		
Audra Hendrix	Here		
Matt Kellogg	Yes		
Matthew Prochaska	Here		
John Purcell		4:12p.m.	

Others present: Latreese Caldwell, ASA Anne Knight, State’s Attorney Eric Weis

**OLD BUSINESS**

From Facilities Committee:

- *Approval of Part 1 of the Healy, Bender & Associates, Inc. Architectural Services Proposal in an amount not to exceed \$22,500 and Part 4 in an amount not to exceed \$8,500 – Member Davidson said that Part 4 would be nice, but that his recommendation is to proceed with Part 1 of the proposal immediately.*

Discussion on the feasibility of spending the funds for a study, proceeding with Part 4 of the proposal, the financial state of the County for FY18, other cost effective options and solutions, the demolition of the former funeral home, and prioritizing security and storage needs for the County Office Building. Mr. Davidson asked that the agenda item be changed to: *Approval of Part 1 of the Healy, Bender & Associates, Inc. Architectural Services Proposal in an amount not to exceed \$22,500*

From Admin HR Committee:

Committee Vice Chair Judy Gilmour reported that the committee has reviewed both job descriptions and made changes as necessary. The Administrative Organization Chart was updated to reflect the changes in the Administrative Services Office.

- *Approval of the County Administrator Job Description*
- *Approval to Post the County Administrator Position Opening*

- *Approval of the Deputy County Administrator Job Description*
- *Approval of the Administration Office Organization Chart*

From Boards & Commissions Review Ad Hoc Committee:

- *Approval to Abolish Farmland Protection Commission* – Member Giles informed the committee that after the first meeting, there was consensus by the committee to abolish this committee that wasn't meeting, has no funding, and no active farm participants. Member Prochaska reported that he spoke with the Farm Bureau manager, Dan Reedy, who has no objection to the commission being abolished. State's Attorney Eric Weis informed the committee that a Public Hearing would need to be held to abolish the commission or rescind the ordinance. The State's Attorney's Office will provide the correct verbiage for the Public Hearing agenda.

**NEW BUSINESS - None**

**PUBLIC COMMENT – None**

**QUESTIONS FROM THE MEDIA – None**

**CHAIRMAN'S REPORT**

Chairman Gryder informed the committee about the following:

1. Mr. Gryder stated that Highway Engineer Klaas provided an update on the Millington Bridge situation, and it appears that it will be March 9, 2018 before we will have a letting, so it will be the end of 2018 before the bridge can be built because LaSalle County is using federal funding for their portion of the bridge which requires additional timeframe.
2. Mr. Gryder stated that there was a lengthy discussion on Hideaway Lakes, and that the Law, Justice and Legislation Committee sent a letter to the PBZ Committee requesting that the committee review the Special Use Permit, and there was a meeting on Monday evening with the owner of the facility. Hideaway Lakes has complied with two-thirds of the open violations, and the Health Department plans to re-visit the facility on July 27, 2017, and the PBZ Committee will discuss these findings at their next meeting. Member Davidson stated that the PBZ staff are also planning to revisit the site to evaluate building violations. Mr. Davidson stated that the biggest concerns are the restrictions of the Fire Protection District in entering the property, and locating people without proper signage. Member Hendrix asked if the committee could have an official tour of the property. Mr. Gryder stated they will look into that and report back.
3. Mr. Gryder attended the Northwest Water Planning Alliance meeting on Thursday, with a presentation on Illinois Groundwater Flow Model: New Application Insights for Northern Illinois by Dr. Daniel Abrams, with the Illinois State Water Survey. One of the primary focuses Dr. Abrams had was on southern Kendall County and Joliet area, where he indicated that currently there are 16 million gallons of water a day from Joliet, and if they dig another well further west, there is a good chance that it will drain the water in southern Kendall

County down to the Arrington Galesville service which basically means that anyone with a well down there will have to dig an additional 1,000 feet further at a tremendous cost, and also require more of a pump to bring water back to the surface. Mr. Gryder stated that we need to have a serious discussion with Kendall, Will, and Joliet (our region) because we are now in a grave situation. We now have a monitoring well on Townhouse Road south of Newark that was installed by the State in 2015, and in the last year or so, there haven't been any noticeable changes, and there also hasn't been any tremendous building at this point either. Mr. Gryder stated this is an issue that we need to continue to monitor. One suggestion was to have a well-injection to put water back down there, and there is discussion on the best way to proceed with that corrective procedure, and the need for capital investment.

**From the Highway Committee:** Member Kellogg informed the committee about the proposed Resolution authorizing the use of Eminent Domain to acquire certain parcels of land for roadway purposes along Grove Road from Sherrill Road to U. S. Route 52. Mr. Kellogg stated this would be an authorization to use this resolution during negotiations to provide encouragement to owners to settle. A number of owners have been unresponsive to the County and so it may be necessary to use eminent domain to acquire these parcels. There are a total of 30 parcels to be acquired. Twelve have been acquired, 9 have settled but not closed, and another 9 have been unresponsive. Any action to file suit would be brought back individually to the County Board for approval.

**REVIEW BOARD ACTION ITEMS** – Chairman Gryder asked the committee to review the agenda for any updates or changes.

1. Add Public Hearing to Abolish Farmland Protection District
2. Remove A, 1 – Update on Hideaway Lakes
3. Add under E, Facilities Management – Approval of Part 1 of the Healy, Bender & Associates, Inc. Architectural Services Proposal in an amount not to exceed \$22,500.
4. Under 14 – add 708 Mental Health Board Report
5. Under 14 – remove KenCom Executive Board report
6. Under 16 – add Jennifer Hughes, Appointment to the Stormwater Planning Committee as the Oswego Representative

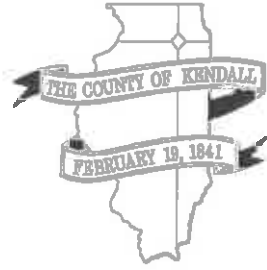
**EXECUTIVE SESSION** – Member Prochaska made a motion to enter into Executive Session for the purpose of Litigation when an action against, affecting or on behalf of the particular public body has been filed, second by Member Kellogg.

Roll Call: Member Hendrix - here, Member Purcell - yes, Member Giles – yes, Member Gilmour - yes, Member Gryder - yes, Member Davidson - yes, Member Prochaska - yes, Member Kellogg – yes.

**With all present voting aye, the committee entered into Executive Session at 4:38p.m. and the committee reconvened into Open Session at 4:49p.m.**

**ADJOURNMENT** – Member Hendrix moved to adjourn the meeting at 4:50p.m., Member Purcell seconded the motion. **The motion was unanimously approved by a voice vote.**

Respectfully Submitted,  
Valarie McClain, Recording Secretary



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**  
111 West Fox Street • Room 204  
Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179  
**MEMORANDUM**

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**To:** Committee of the Whole  
**From:** Matthew H. Asselmeier, AICP, Senior Planner  
**Date:** August 8, 2017  
**Re:** 17-14 Proposed Amendment to Section 13.01.B.9 Pertaining to Call of Meetings

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At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for a text amendment to the following section of the Kendall County Zoning Ordinance.

Section 13.01.B.9 of the Zoning Ordinance currently states:

**"All meetings (emphasis added) of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. All meetings of the Board shall be open to the public."**

55 ILCS 5/5-12 states that when a hearing is required before the Zoning Board of Appeals, notice must given at least fifteen days to thirty days by publication in a newspaper of general circulation.

An occasion may arise when the Zoning Board of Appeals may wish to meet on a matter when a public hearing is not necessary. For example, the Zoning Board of Appeals may want to hold a joint meeting with the Regional Planning Commission to discuss an issue. This joint meeting would not necessitate a public hearing.

A text amendment to the Zoning Ordinance could more clearly separate the meeting notification requirements of public hearings from other meetings. Matters requiring a public hearing would have to meet the fifteen to thirty day notice requirements while matters not requiring a public hearing would have to meet the requirement of the Open Meetings Act (posting notice and agenda forty-eight hours in advance).

ZPAC reviewed this proposal at their June 6, 2017 meeting and unanimously recommended approval of the proposed amendment.

The Kendall County Regional Planning Commission reviewed this proposal at their June 28, 2017 meeting and unanimously recommended approval of the proposed amendment.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 10, 2017 and unanimously recommended approval of the proposed amendment.

The Planning, Building and Zoning Committee reviewed this proposal at their August 8, 2017 meeting and unanimously recommended denial of the proposed amendment.

To date, no township submitted comments regarding this proposal.

A copy of a draft text amendment is enclosed.

MHA

ENC

PBZ Memo  
August 8, 2017

State of Illinois  
County of Kendall

Petition #17-14

**ORDINANCE # 2017-\_\_\_\_\_**

**TEXT AMENDMENT TO SECTION 13.01.B.9 OF THE KENDALL COUNTY ZONING ORDINANCE  
PERTAINING TO THE CALL OF MEETINGS OF THE KENDALL COUNTY ZONING BOARD OF  
APPEALS**

**WHEREAS**, the Kendall County Zoning Board of Appeals requested a text amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance related to the calling of meetings; and

**WHEREAS**, the Kendall County Board amends this ordinance from time to time in the public interest; and

**WHEREAS**, 55 ILCS 5/5-12009 defines the notification requirements for hearings of Zoning Boards of Appeal on variance applications; and

**WHEREAS**, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings of Zoning Boards of Appeal on special use applications; and

**WHEREAS**, 55 ILCS 5/5-12011 defines the notification requirements for hearings of Zoning Boards of Appeal regarding an appeal from or review of any order, requirement, decision, or determination made by an administrative official charged with the enforcement of a zoning ordinance; and

**WHEREAS**, 55 ILCS 5/5-12014 defines the notification requirements for hearings of Zoning Boards of Appeal on text amendment and map amendment applications; and

**WHEREAS**, 5 ILCS 120 defines the notification requirements for meetings of public bodies within the State of Illinois; and

**WHEREAS**, the current language of Section 13.01.B.9 of the Kendall County Zoning Ordinance requires 15 calendar day notice for all Zoning Board of Appeals meetings even though State law does not require such notice; and

**WHEREAS**, eliminating the 15 calendar day notice requirement where not required by law will allow for more efficient and effective operation of the Zoning Board of Appeals; and

**WHEREAS**, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 10, 2017; and

**NOW, THEREFORE, BE IT ORDAINED**, the Kendall County Board hereby amends Section 13.01.B.9 of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The existing language of Section 13.01.B.9 is hereby deleted and replaced with the following:

PBZ Memo  
August 8, 2017

“13.01.B.9 a All meetings of the Board of Appeals on matters requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen calendar days but not more than thirty calendar days notice of the date, time, and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting.

13.01.B.9.b All meetings of the Board of Appeals on matters not requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine provided that the requirements of the Illinois Open Meetings Act are fulfilled prior to the start of the meeting.

13.01.B.9.c All meetings of the Board of Appeals, regardless of the topic of the meeting, shall be open to the public.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 15<sup>th</sup> day of August, 2017.

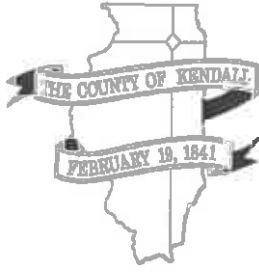
Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Scott R. Gryder



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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To: Committee of the Whole

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 8, 2017

Re: Petition 17-15 Proposed Amendment to Section 13.01.B.11 Pertaining to Voting of the Zoning Board of Appeals

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At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for text amendments to the following section of the Kendall County Zoning Ordinance pertaining to votes by the Zoning Board of Appeals:

Section 13.01.B.11 of the Zoning Ordinance currently states:

**"The concurring vote of four members of a Board consisting of five members or the concurring vote of five members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions (emphasis added)."**

Public Act 92-128, adopted in 2001, amended 55 ILCS 5/5-12011 and lowered the vote requirements necessary for the Zoning Board of Appeals to take certain actions. The current law states:

**"The concurring vote of 3 members of a board consisting of 5 members or the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board (emphasis added)."**

Section 13.01.B.4 of the Zoning Ordinance defines a quorum as "a majority of the members of the Zoning Board of Appeals."

A situation could arise where a quorum of the Board is present, but final action could not occur because a fifth member is unavailable. A proposed amendment may be desirable to remove the difference between the Kendall County Zoning Ordinance and State law and to allow a quorum of members to decide certain matters before the Board. Accordingly, the Kendall County Zoning Board of Appeals requested text amendments to these sections of the Zoning Ordinance.

At their June 6, 2017 meeting, ZPAC unanimously recommended approval of both proposed amendments.

At their June 28, 2017 meeting, the Kendall County Regional Planning Commission unanimously recommended approval of both proposed amendments.



**COW Memo**  
**August 8, 2017**

**Following a public hearing on July 10, 2017, the Kendall County Zoning Board of Appeals unanimously recommended approval of both proposed amendments.**

**At their August 7, 2017 meeting, the Planning, Building and Zoning Committee voted 3-2 in favor of the proposal. Members Davidson, Gryder and Kellogg voted in favor of the proposal and Members Cullick and Gilmour voted against the proposal.**

**To date, no townships submitted comments regarding either proposal.**

**A copy of the draft text amendment is enclosed.**

**MHA**

**ENC**

COW Memo  
August 8, 2017

State of Illinois  
County of Kendall

Petition #17-15

**ORDINANCE # 2017-\_\_\_\_\_**

**AMENDMENT TO SECTION 13.01.B.11 OF THE KENDALL COUNTY ZONING ORDINANCE  
REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS  
TO REVERSE ANY ORDER, REQUIREMENTS OR DETERMINATION OF THE ZONING  
ADMINISTRATOR, OR TO DECIDE IN FAVOR OF THE APPLICANT ANY MATTER UPON  
WHICH THE ZONING BOARD OF APPEALS IS AUTHORIZED TO RENDER DECISIONS FROM  
FOUR TO THREE ON BOARDS CONSISTING OF FIVE MEMBERS AND FROM FIVE TO FOUR  
ON BOARDS CONSISTING OF SEVEN MEMBERS**

*WHEREAS*, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

*WHEREAS*, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized to render decisions; and

*WHEREAS*, the Kendall County Board amends these ordinances from time to time in the public interest; and

*WHEREAS*, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 10, 2017; and

*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Section 13.01.B.11 of the Kendall County Zoning Ordinance by deleting the existing language in the first paragraph of this section and replacing it with the following:

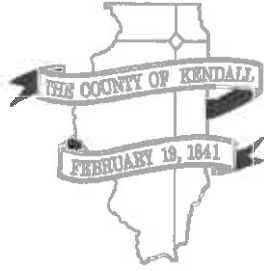
“13.01.B.11 Jurisdiction The concurring vote of three (3) members of a board consisting of five (5) members or the concurring vote of four (4) members of a board consisting of seven (7) members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter any matter upon which it is authorized by the Kendall County Zoning Ordinance to render decisions.

*IN WITNESS OF*, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 15<sup>th</sup> day of August, 2017.

Attest:

\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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August 16, 2017

RE: Illinois Noxious Weed Law

Dear Township Supervisors and Mayors:

The Illinois Department of Agriculture recently informed Kendall County that the County must do more work in relation to the enforcement of the Illinois Noxious Weed Law (505 ILCS 100). In particular, the State requires the County to create and submit prior to December of each year an annual report and create and submit on or before the first day of November of each year a comprehensive work plan for the next calendar.

In order to comply with State law, we request that you inform us of any noxious weed cases that you receive, the location of the complaint and if the complaint was resolved. Please send this information to Matthew Asselmeier, Kendall County Senior Planner, 111 W. Fox Street, Yorkville, IL 60560 or [masselmeier@co.kendall.il.us](mailto:masselmeier@co.kendall.il.us).

**We do not request that you undertake any additional work related to the enforcement of the Illinois Noxious Weed Law or that you alter your procedures for process noxious weed complaints except that you inform us of noxious weed complaints.**

Kendall County hopes to partner with each township and municipality in order to comply with this law. A list of State of Illinois recognized noxious weeds is included with this letter.

If you have any questions, please contact Mr. Asselmeier at 630-553-4139.

Sincerely,

Scott R. Gryder, Chairman  
Kendall County Board

Enc: List of Noxious Weeds

## **Section 220.60 Noxious Weeds**

The following plants within the sovereign territory of the State of Illinois are designated and declared noxious weeds:

- a) Marihuana (*Cannabis sativa* L.);
- b) Giant Ragweed (*Ambrosia trifida* L.) within the corporate limits of cities, villages, and incorporated towns;
- c) Common Ragweed (*Ambrosia artemisiifolia* L.) within the corporate limits of cities, villages, and incorporated towns;
- d) Canada Thistle (*Cirsium arvense*);
- e) Perennial Sowthistle (*Sonchus arvensis*);
- f) Musk Thistle (*Carduus nutans*);
- g) Perennial members of the sorghum genus, including johnsongrass (*Sorghum halepense*), sorghum alnum, and other johnsongrass X sorghum crosses with rhizomes; and
- h) Kudzu (*Pueraria lobata*).

(Source: Amended at 26 Ill. Reg. 14644, effective September 23, 2002)



**NOTICE OF NONCOMPLIANCE**  
**505 ILCS 100/1 et seq.**

**Bureau of Environmental Programs**

State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/785-2427 (voice) • Fax 217/524-4882 • 866/287-2999 (TTY/TDD)  
Pesticide Misuse Hotline 1-800-641-3934 (voice)

May 5, 2017

Kendall County Board  
Scott Gryder  
111 W Fox St  
Yorkville, IL 60560

Pursuant to 505 ILCS 100/4, the Director of the Illinois Department of Agriculture is issuing this Notice of Noncompliance with regard to certain requirements of the Illinois Noxious Weed Law. Links to the aforementioned statute and associated regulations are shown below. Under their provisions, the governing body of each county is designated as a *Control Authority* and is to do the following:

- 1) establish a coordinated program for control and eradication of noxious weeds within the county;
- 2) conduct an examination of all land under its jurisdiction for compliance with the Act;
- 3) compile data on infested areas and areas eradicated;
- 4) advise persons responsible for controlling and eradicating noxious weeds of the best and most practical methods of noxious weed control and eradication;
- 5) investigate or aid in the investigation and prosecution of violations of the Act;
- 6) publish notices for control and eradication of noxious weeds as set forth in the Act and rules and as prescribed by the Director; and
- 7) cooperate with Federal, State, and local authorities in carrying out the provisions of the Act and its rules.

*Control Authorities* may employ one or more *weed control superintendents* who must be certified by the Director of the Illinois Department of Agriculture to carry out many of the various activities authorized in the Act including the examination of lands under the *Control Authority's* jurisdiction, the investigation of complaints, the issuance of control notices, the creation and submittal prior to December of each year of an annual report, and the creation and submittal on or before the first day of November of each year of a comprehensive work plan for the next calendar year.

Please take a few minutes and review the statute and associated regulations, the status of your current noxious weed control program, and whether improvements might be made to improve its effectiveness.

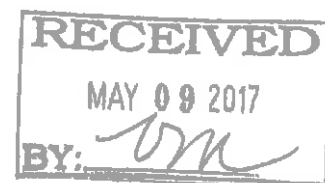
The statute and associate regulations can be found by following the links as indicated:

Statute – <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1693&ChapterID=40>  
Rule – <http://ilga.gov/commission/jcar/admincode/008/00800220sections.html>

If you have any questions or comments, please feel free to contact us at the Department of Agriculture at your convenience.

Sincerely,

Warren D. Goetsch, P.E.  
Deputy Director and Acting Bureau Chief, Environmental Programs



**Information maintained by the Legislative Reference Bureau**

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

## AGRICULTURE

### (505 ILCS 100/) Illinois Noxious Weed Law.

(505 ILCS 100/1) (from Ch. 5, par. 951)

Sec. 1. This Act shall be known and may be cited as the Illinois Noxious Weed Law.  
(Source: P.A. 77-1037.)

(505 ILCS 100/2) (from Ch. 5, par. 952)

Sec. 2. As used in this Act:

(1) "Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.

(2) "Control", "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, or tenant, under statutory authority, or otherwise.

(3) "Director" means the Director of the Department of Agriculture of the State of Illinois, or his or her duly appointed representative.

(4) "Department" means the Department of Agriculture of the State of Illinois.

(5) "Noxious weed" means any plant which is determined by the Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property.

(6) "Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.

(7) "Applicable fund" means the fund current at the time the work is performed or the money is received.  
(Source: P.A. 99-539, eff. 7-8-16.)

(505 ILCS 100/3) (from Ch. 5, par. 953)

Sec. 3. Every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture.

(Source: P.A. 77-1037.)

(505 ILCS 100/4) (from Ch. 5, par. 954)

Sec. 4. The duty of enforcing this Act and carrying out its provisions is vested in the Director, and the authorities

designated in this Act acting under the supervision and direction of the Director. If a Control Authority fails to carry out its duties and responsibilities under this Act or fails to follow the Department's rules, the Director shall enforce this Act or rules by sending a Notice of Noncompliance to the Control Authority. The Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall determine what weeds are noxious for the purposes of this Act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the Department. The Director shall, from time to time, adopt and publish methods as official for control and eradication of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this Act.  
(Source: P.A. 99-539, eff. 7-8-16.)

(505 ILCS 100/5) (from Ch. 5, par. 955)

Sec. 5. The Director is authorized to investigate the subject of noxious weeds; to require information and reports from any Control Authority as to the presence of noxious weeds and other information relative to noxious weeds and the control and eradication thereof in localities where such Control Authority has jurisdiction; to cooperate with Control Authorities in carrying out other acts administered by him; to cooperate with agencies of Federal and State Governments and persons, in carrying out his duties under this Act, and, with the consent of the Governor, in the conduct of investigations outside this State in the interest of the protection of the agricultural industry of this State from noxious weeds not generally distributed therein; with the consent of the Federal agency involved, to control and eradicate noxious weeds on Federal lands within this State, with or without reimbursement, when deemed by him to be necessary to an effective weed control and eradication program; to advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control and eradication thereof; to call and attend meetings and conferences dealing with the subject of noxious weeds; to disseminate information and conduct educational campaigns with respect to control and eradication of noxious weeds; to procure materials and equipment and employ personnel necessary to carry out his duties and responsibilities; and to perform such other acts as may be necessary or appropriate to the administration of this Act.

(Source: P.A. 77-1037.)

(505 ILCS 100/7) (from Ch. 5, par. 957)

Sec. 7. Each Control Authority shall carry out the duties and responsibilities vested in it under this Act with respect to land under its jurisdiction in accordance with rules and regulations prescribed by the Department. Such duties shall include the establishment, under the general direction of the Control Authority, of a coordinated program for control and eradication of noxious weeds within the county.

A Control Authority may cooperate with any person in

carrying out its duties and responsibilities under this Act.  
(Source: P.A. 77-1037.)

(505 ILCS 100/8) (from Ch. 5, par. 958)

Sec. 8. Each Control Authority may employ one or more Weed Control Superintendents who shall be certified by the Director to be qualified to detect and treat noxious weeds. The same person may be a Weed Control Superintendent for more than one Control Authority. Such employment may be for such tenure, and at such rates of compensation and reimbursement for travel expenses, as the Control Authority may prescribe. Each Weed Control Superintendent may be bonded for such sum as the Control Authority may prescribe.

Each Control Authority shall examine all land under its jurisdiction for the purpose of determining whether the provisions of this Act and the regulations of the Director have been complied with; compile such data on infested areas and areas eradicated and such other reports as the Director or Control Authority may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and eradication, and render assistance and direction for the most effective control and eradication; investigate or aid in the investigation and prosecution of any violation of this Act. Control Authorities may cooperate and assist one another to the extent practicable in the carrying out of a coordinated control and eradication program within their counties.

(Source: P.A. 77-1037.)

(505 ILCS 100/9) (from Ch. 5, par. 959)

Sec. 9. Notices for control and eradication of noxious weeds shall be on a form prescribed by the Director and shall consist of 2 kinds: general notices and individual notices. Failure to publish general weed notices or to serve individual notices as provided in this Section does not relieve any person from the necessity of full compliance with this Act and regulations thereunder. In all cases such published notice is legal and sufficient notice.

General notice shall be published by each Control Authority, or any combination of Control Authorities among counties, in one or more legal newspapers of general circulation throughout the area, or areas, over which the Control Authority, or Control Authorities, have jurisdiction at such times as the Director may direct or the Control Authority may determine.

Whenever any Control Authority finds it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the general published notice, it shall serve individual notices upon the person owning and the person controlling such land, and give notification of such notice to the record owner of any encumbrance thereon, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated.

(Source: P.A. 77-1037.)

(505 ILCS 100/10) (from Ch. 5, par. 960)

Sec. 10. Whenever the owner or person in control of the land on which noxious weeds are present has neglected or



failed to control or eradicate them as required in this Act and any notice is given pursuant to Section 9, the Control Authority having jurisdiction shall have proper control and eradication methods used on such land, and shall advise the owner, person in control, and record holder of any encumbrance of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for 6 months, or longer, the amount of such expense shall become a lien upon the property. Nothing contained in this Section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other additional remedy otherwise available. Amounts collected under this Section shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority.  
(Source: P.A. 77-1037.)

(505 ILCS 100/11) (from Ch. 5, par. 961)

Sec. 11. When it appears to a Control Authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the ability of the owner and the person in control of such land to eradicate, the Control Authority, with the approval of the Director, may quarantine such land and put into immediate operation the necessary means for the eradication of such noxious weeds. The Control Authority shall, prior to the entry upon such land, serve individual notices on the owner and the person in control thereof and the record owner of any encumbrance thereon of such quarantine and entry, and shall also advise such persons of the completion of the eradication operation, and the cost thereof. The expense of such quarantine and eradication shall be borne as follows: 1/2 from the Noxious Weed Control Fund or other appropriate general fund of the Control Authority; and 1/2 from the person owning such land, which may be collected and deposited as provided in Section 10.  
(Source: P.A. 77-1037.)

(505 ILCS 100/12) (from Ch. 5, par. 962)

Sec. 12. The cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a State department, agency, commission or board shall be paid by the State department, agency, commission or board in control thereof out of funds appropriated to its use.

The cost of controlling and eradicating noxious weeds on all land including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a Control Authority shall be paid by the Control Authority in control thereof out of the Noxious Weed Control Fund, and until the establishment of such Fund, out of the general funds of such Control Authority. Until the establishment of the Noxious Weed Control Fund by a Control Authority, the cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a township or city or other municipal corporation shall be paid by the township or city or other municipal corporation in control thereof out of the general

funds of such township or city or other municipal corporation. After the establishment of the Noxious Weed Control Fund of the county in which such township or city is located, such cost shall be paid from the Noxious Weed Control Fund of such county.

(Source: P.A. 77-1037.)

(505 ILCS 100/13) (from Ch. 5, par. 963)

Sec. 13. Notwithstanding any other provisions of this Act relating to payment of cost, when determined by a Control Authority to be justified in the interest of an effective weed control program, such Control Authority may control and eradicate noxious weeds on land under its jurisdiction, without cost to the owner or person in control thereof.

(Source: P.A. 77-1037.)

(505 ILCS 100/14) (from Ch. 5, par. 964)

Sec. 14. To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the Director, in consultation with the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall, from time to time, publish a list of noxious weeds which may be disseminated through articles and a list of articles capable of disseminating such weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from such premises except under and in accordance with the written permission of the Control Authority having jurisdiction of the area in which such article is located, and the Control Authority may hold or prevent its movement from such premises. The movement of any such article which has not been so decontaminated, except in accordance with such written permission, may be stopped by the Control Authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such Control Authority's direction.

(Source: P.A. 99-539, eff. 7-8-16.)

(505 ILCS 100/15) (from Ch. 5, par. 965)

Sec. 15. A Noxious Weed Control Fund may be established as provided in Section 16 for each Control Authority, without fiscal year limitation, which shall be available for expenses authorized to be paid from such Fund, including the necessary expenses of the Control Authority in carrying out its duties and responsibilities under this Act. The Weed Control Superintendents within the county shall ascertain each year the approximate amount of land within the county infested with noxious weeds, and the location thereof, and transmit such information to the Director and the Control Authority. On the basis of such information the Control Authority shall make payments from the Noxious Weed Control Fund. If a Noxious Weed Control Fund is not established as provided in Section 16, the expenses authorized to be paid from such Fund shall be paid out of any other appropriate general fund of the Control

Authority.  
(Source: P.A. 77-1037.)

(505 ILCS 100/17) (from Ch. 5, par. 967)

Sec. 17. Control Authorities, independently or in combination, may purchase or provide for needed or necessary materials, machinery and equipment, including the cost of operation and depreciation of such machinery and equipment, for the control and eradication of weeds as provided in Sections 10 and 11, whether or not declared noxious on land owned or controlled by them or on other land under their jurisdiction. All funds received from such control and eradication of weeds shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority. Each Control Authority shall keep a record showing the procurement, sale and rental of materials, machinery and equipment, which record shall be open to inspection by citizens of this State. A Control Authority may use any equipment or material procured as provided for in this Section upon lands owned or directly controlled by it, or owned or controlled by a township or city which is not a Control Authority, for the treatment and eradication of weeds which have not been declared noxious.  
(Source: P.A. 77-1037.)

(505 ILCS 100/18) (from Ch. 5, par. 968)

Sec. 18. If any person is dissatisfied with the amount of any charge made against him by a Control Authority for control or eradication work, he may, within 5 days after being advised of the amount of the charge, file a protest with the Director. The Director shall hold a hearing thereon and has the power to adjust or affirm such charge.  
(Source: P.A. 77-1037.)

(505 ILCS 100/19) (from Ch. 5, par. 969)

Sec. 19. All final administrative decisions of the Director or his representative are subject to judicial review under the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The filing for judicial review shall stay the order of the Director or his representative pending disposition of the order on judicial review. The court, upon its own initiative or upon motion by the Director, may in its discretion, when it deems it necessary to protect the interests involved, require the posting of additional bond in an amount it deems advisable, as a prerequisite to judicial review.  
(Source: P.A. 82-783.)

(505 ILCS 100/20) (from Ch. 5, par. 970)

Sec. 20. The Director, any Control Authority, Weed Control Superintendent, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties and exercising their powers under this Act, including the taking of specimens of weeds or other materials, without the consent of the person owning or controlling such land and without being subject to any action for trespass or damages, if reasonable care is exercised.  
(Source: P.A. 77-1037.)

(505 ILCS 100/21) (from Ch. 5, par. 971)

Sec. 21. All individual notices, service of which is provided for in this Act, shall be in writing. Service of such notices shall be in the same manner as service of a summons in a civil action in the circuit court or by certified mail to the last known address to be ascertained, if necessary, from the last tax list.

(Source: P.A. 77-1037.)

(505 ILCS 100/22) (from Ch. 5, par. 972)

Sec. 22. Any person violating any provision of this Act or any regulation issued hereunder is guilty of a petty offense and shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense.

(Source: P.A. 78-255.)

(505 ILCS 100/23) (from Ch. 5, par. 973)

Sec. 23. The Director may participate in any noxious weed control program and, when called upon to do so by any such program, may use any funds available to him for the purposes of this Act in the matching of any federal funds made available to this State.

(Source: P.A. 77-1037.)

(505 ILCS 100/24) (from Ch. 5, par. 974)

Sec. 24. If any Section or provision of this Act is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining Sections or provisions of the Act which can be given effect without the invalid Section or provision, and to this end the Sections and provisions of this Act are declared to be severable.

(Source: P.A. 77-1037.)