

Chapter 108

PEACE AND GOOD ORDER

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[**HISTORY:** Adopted by the Board of Trustees of the Village of Kensington: §§ 108-1 through 108-5, 11-20-1968 as Sections 36.0101, 36.1036, 36.0141, 32.0106 and 32.0116 respectively of the Code of Ordinances (1968); § 108-6, 10-21-1987 by L.L. No. 6-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Alarms and alarm systems — See Ch. 46.

Brush, grass, weeds and firewood — See Ch. 61.

Noise — See Ch. 97.

Social hosts — See Ch. 130.

§ 108-1. Disturbances.

No person shall make, aid, countenance, encourage or assist in making excessive or improper noise, riot or disturbance to the annoyance or inconvenience of the public or of persons residing in the vicinity.

§ 108-2. Trespassing on vacant property.

No person shall enter upon any vacant or unimproved lot or premises in the Village of Kensington for any purpose or in any manner, whether by boat, automobile, on foot or otherwise, without the prior consent and permission of the owner, occupant or person in charge and control thereof or his duly authorized agent.

§ 108-3. Refusing to leave premises.

Any person who has lawfully or unlawfully entered upon any lot or premises in the Village of Kensington and who is directed by the owner, occupant or person in charge and control of said lot or premises to leave the same shall comply with such direction or order forthwith, and in case of his failure to comply with such order or direction, shall be guilty of a violation of this section.

§ 108-4. Permit required for dealing with pavement and vegetation on streets.

No person shall, without previously procuring and thereafter holding unrevoked a permit therefor, as provided by the ordinances of the Village of Kensington, cut, open, obstruct, paint, deface, damage or destroy any pavement, curb, sidewalk, tree, shrubbery or grass within or upon any street, parkway, park or other public property in the Village of Kensington.

§ 108-5. Damaging certain property prohibited.

No person shall damage, deface, mutilate or destroy any grass, trees, shrubbery, posts, poles, fences, buildings or other structures within or upon any street, parkway, park or other public property in the Village of Kensington.

§ 108-6. Maintenance of grass areas and plantings.

- A. It shall be the duty of each owner of property in the Village of Kensington to maintain the grass, hedges and other plantings located in the areas between the boundary of such owner's property and the streetbed of any public right-of-way adjoining such property (which areas are hereinafter referred to as "grass areas").
- B. The grass in the grass areas shall be maintained as a uniform strip of healthy green grass to a height not to exceed three inches. The grass area shall be maintained free of leaves, garden debris and grass clippings. There shall be no other plantings, flowers, shrubs, pebbles or other landscape or decorative materials in those portions of the grass areas located between a boundary of an owner's property and the adjoining sidewalk, if any. Where trees are located in the grass areas, they shall be kept free of weeds and vines. **[Amended 4-30-2003 by L.L. No. 7-2003]**
- C. Hedges in grass areas and at property boundaries shall be maintained in a trim and healthy condition, at a uniform height of not less than two feet nor more than four feet, except that hedges fronting on West Drive, East Drive or Gilchrist (Gilcrest) Road may be maintained at a height of not more than eight feet. Hedges which are sparse or unsightly shall be removed by the owner of the adjoining property, at the direction of the Village, and, at the discretion of the Village, shall be replaced by such owner with healthy hedges or other appropriate plantings or landscaping.
- D. Trees located in grass areas shall be cultivated, fertilized and maintained in a healthy condition, except that this provision shall not be construed to require any property owner to spray or trim any such tree nor administer to any ailments of such tree. All owners of property adjoining grass areas shall promptly notify the Village in the event any tree in such grass area shows any sign of disease or other form of ill health.

- E. All work and maintenance required by this section shall be performed to the satisfaction of the Village Building Inspector, who is hereby empowered to give such notices, orders and directions as may be required, necessary or appropriate to keep such areas as required by this section or for the repair or remedying of any defect described in this section.
- F. Each person who violates any provision of this section shall, for each and every day that said violation continues, be subject to a fine of not more than \$1,000 or imprisonment for a period not to exceed six months, or both such fine and imprisonment. **[Amended 5-17-1989 by L.L. No. 1-1989]**
- G. In addition to the penalties provided herein, in the event any owner shall fail or refuse to comply with any order issued by the Building Inspector hereunder and such failure or refusal shall continue for a period of 10 days after such notice, the Village of Kensington may take such action as may be necessary to remove or cure the conditions described in the said order, and the expenses thereof, including an additional 10% of the actual costs of such action for supervisory and administrative expenses, shall be a charge and lien against the said property, in the same manner as provided for real estate taxes due the Village of Kensington.

§ 108-7. Village reserve strips. [Added 11-15-2006 by L.L. No. 2-2006; amended 11-16-2011 by L.L. No. 1-2012]

- A. Legislative intent. There are six- to ten-foot-wide parcels of Village-owned land commonly referred to as "Village reserve strips" running along either the rear or side property lines of private properties in the Village. These Village reserve strips generally have been used by the abutting owners as part of their properties, and in many instances, these owners have either planted or allowed trees and other types of vegetation to grow on them. The result is that sections of the Village reserve strips have or

will eventually become congested with overgrown and dead vegetation and trees that may in some circumstances pose a threat to the health and safety of Village residents or the maintenance of the utility systems that serve them. The Board of Trustees, therefore, finds it necessary to regulate the size and type of vegetation within the Village reserve strips and to establish responsibility for their maintenance, as well as to prohibit the erection of structures and the storage of materials within such Village reserve strips.

- B. Property owner responsibility. Where a Village reserve strip is abutted on each side by private properties within the Village, each property owner is responsible, as set forth hereinafter, to the center line of the Village reserve strip. Where the trunk of a tree extends beyond both sides of the center line, both property owners are responsible. Where a Village reserve strip is abutted by only one private property within the Village, the owner of such property is responsible for the entire Village reserve strip.
- C. No property owner shall plant or permit to establish itself within the Village reserve strip any vegetation other than:
- (1) Flowers;
 - (2) Shrubs not exceeding six feet in height;
 - (3) Grass.
- D. Every property owner shall be responsible for maintaining that portion of the Village reserve strip that abuts its property, including the removal of dead, fallen or dangerous trees and other vegetation and ensuring that no new trees and vegetation other than that which is permitted in Subsection C are planted or otherwise permitted to grow within that portion of the Village reserve strip for which the property owner is responsible. The property owner shall not be responsible for maintaining any utility located within the Village reserve strip.

- E. No properly owner shall erect or maintain any fence, wall, shed, building or other structure, or store any material within the Village reserve strip.

§ 108-8. Village sidewalks. [Added 12-12-2013 by L.L. No. 1-2013]

- A. No owner, lessee or occupant of a building, structure or lot within the Village shall permit any ice or snow to accumulate upon any sidewalks, promenades or other public paths set apart for pedestrians adjoining said building, structure or lot. Every such owner, lessee or occupant shall cause any such sidewalks, promenades or other public paths to be cleared of snow and ice within 36 hours after such snowfall.
- B. Nothing contained in Subsection A shall be construed as imposing upon an owner, lessee or occupant any liability for personal injury or property damage resulting from the failure to clear, in whole or in part, snow or ice from sidewalks, promenades or other public paths.
- C. Each owner, lessee or occupant who violates any provision of this section shall, for each and every day that said violation continues, be subject to a fine of not more than \$100.