

Naperville Area Homeowners Confederation

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Ms. Allison Laff
Team Leader – Planning Services
Transportation, Engineering & Development (TED)
City of Naperville
400 S. Eagle Street
Naperville, Illinois 60540

Subject: Naperville Area Homeowners Confederation Response to Proposed Amendment to Sect 6-14-4:1.2.2

The NAHC, the Confederation, has been asked by TED Staff to comment on the proposed language and intent of the above referenced code section, in particular the new wording for professional landscape services when used to maintain single-family residential property.

At the outset, the NAHC recognizes that the question about landscape services is not an association issue but rather one experienced by a few homeowners living adjacent to a property under contract for landscape service.

The NAHC is aware of the current code regulation not allowing building contractors to perform work on Sundays that would disturb an entire neighborhood, including that this is only for contractors and not individual homeowners.

Furthermore, the NAHC appreciates the fact that typically homeowners will NOT break out their noisy tools on a Sunday morning at 7 AM because, when they complete their project, they still need to live in the community and do not want to incur the wrath of their neighbors by disrupting their day of rest. Contractors don't necessarily have these same social compunctions.

It has been suggested that commercial lawn services are becoming a public nuisance, especially on weekends, for non-owner occupied properties and that neighbors surrounding the commercially kept homes need relief from this noise disturbance on weekends. This problem seems to have been exacerbated by the increase in bank or investor owned properties due to foreclosures.

The NAHC Board of Directors has reviewed the submitted TED proposal and has voted, by majority vote, **to oppose the proposed new regulation.**

Some of the objections voiced, observations made, and questions posed were:

1. What is the significance of the problem in our City of 50,000 homes? How many complaints have been received?
2. Is the problem unique this year due to the early, warm spring followed by a hot early summer?
3. What is the percentage of bank owned homes in the City?

4. How many homes has the City taken over the landscaping duties for and how successful is the fine collection rate?
5. Have other cities in DuPage County faced similar problems with landscaping companies and, if so, how did they respond?
6. Why are the landscaping businesses being prevented from doing what one's neighbor can already do without limitations?
7. Landscaping is seasonal work that is affected by rain. Enabling the firms to work on Sunday allows them to catch-up on missed day(s) of work due to rain.
8. The proposal has a potential to hit at some of the least wealthy in our community by restricting their opportunity to work weekends for these firms.
9. As written, the proposal makes no provision for homeowners who are not physically able to maintain their property for reasons of old age or some handicap.
10. The NAHC Board never wants the City to contemplate rules specifying when homeowners can operate a lawnmower (or possibly a snowblower).
11. For Sunday operation, a possible compromise is that firm's should not be allowed to start work before 9 AM.

Since, other than innuendo, there does not seem to be a firm grasp of the scope of the "problem," we would suggest that numbers be verified before any further discussions take place. We are also wary of solving the "problem", especially when it means that newer, tougher ordinances might be written that, through the law of unintended consequences, we all would have to comply with at some point

Sincerely,
For the NAHC Board of Directors

(signed)

Dr Robert Buckman, President
Naperville Area Homeowners Confederation