

CHAPTER 2

WEEDS

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7-2-1: DEFINITION: Weeds, as used herein, means rank vegetative growth of any kind over eight inches (8") in height; it also includes corn, oats, wheat, barley and similar grain grown within the Village.

7-2-2: GROWING WEEDS: All rank and growing weeds that are over 8 inches (8") in height; that may exhale unpleasant or noxious odors, or conceal filthy deposits, which are breeding places for mosquitoes, flies or other insects, or because of the uncleanliness connected therewith, are a menace to public health, and are hereby declared a nuisance and shall be disposed of as set forth in this Chapter.

7-2-3: DRY WEEDS: All dry grass, weeds or other similar dangerous combustible material, remaining deposited or lying upon any property or premises within the Village are hereby disposed of as herein set forth.

7-2-4: DUTY OF OWNER OR TENANT: Any person who may permit, suffer or allow rank or growing weeds, grass or other growth over 8 inches (8") in height, or any other combustible material to be or remain upon his premises, occupied or controlled by him, or under his supervision or care, to become a menace to public health or create a nuisance shall be deemed guilty of a misdemeanor.

7-2-5: NOTICE TO CUT: Weeds and other vegetative growth, not including garden produce, over 8 inches (8") in height or any other combustible material, such as are a public nuisance, shall be cut and removed by the owner, tenant, agent or person having control of the premises within five (5) days after being served by notice in writing by the Chief of Police or Zoning Commissioner. Service of notice may be either by personal service or by leaving a copy of the notice with an adult member of the family, and advising such person of the content thereof. If the property in question is vacant, and the owner cannot be found for personal service, notice may be served by registered mail to the last known post office address of such person, as ascertained by the Chief of Police or Zoning Commissioner after diligent inquiry thereof.

7-2-6: DEFAULT OF NOTICE: In conformity with Statutes of the State of Illinois failure of the owner, agent or person in charge of any premises within the limits of the Village to cut, destroy and remove weeds and other like growth which is a nuisance within the terms of this

Chapter, within the time designated by such notice, then in such event the Chief of Police or Zoning Commissioner, for and on the behalf of the Village, may enter upon the premises and proceed to cut, destroy and remove any and all such weeds and other like growth, at the expense of the owner of such premises; the minimum charge shall be \$50.00 for each parcel of 7500 square feet or less. This provision shall be construed as full and complete power and authority for such officer so to act. The Chief of Police or Zoning Commissioner shall report to the President and the Board of Trustees from time to time his action in this respect, and file a full and detailed statement of premises so dealt with by him, the cost thereof, together with the name of the owner, if the same can be ascertained.

7-2-7: LIEN UPON PROPERTY AND COLLECTION: The Village has provided for the cost of the cutting of weeds in the municipality, when the owners of real estate refuse or neglect to cut them. This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the weed-cutting and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgagee, judgement creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. 65 ILCS 5/11-20-7.

7-2-8: SUIT AND JUDGEMENT: Such lien may also be enforced by action at law against the owner by obtaining judgement against him and his property in any court of competent jurisdiction for such expense and cost of suits.

(Ord. 1217; 6-4-1996)