

CHAPTER 25 – NUISANCES

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ARTICLE II - WEEDS

25-2-1 DEFINITION. "Weeds" means an annual or perennial herbaceous plant of volunteer growth, not cultivated or useful for human food or enjoyment, and shall include but not be limited to the following:

Jimson, Burdock, Ragweed, Thistles of all kinds, Cocklebur, Barberry (tall, common or other horticultural varieties), Poison Ivy, Yellow Dock, Indian Mallow, Sweet Clover, Wild Mustard (including black mustard and yellow mustard), May Weed, Lambsquarter, Pig Weed, Beggar Ticks, Wild Lettuce, Shepard’s Purse, Smart Weed, Sow-Thistle, Tumbleweed, Milk Weed, Dandelions, etc.; any plant that, when in blossom, gives off an unpleasant or obnoxious odor or pollen irritating to human tissue; any plant growth that conceals or may conceal rubbish, debris or filthy deposits, or constitute a fire hazard when dry; any plant that causes or adds its influence in bringing on hay fever, or other similar or noxious plant; and all plants fitting within the term “weeds” as used in the Illinois Municipal Code.

“Weeds” also refers to grass and other plants, other than trees, bushes, flowers and/or ornamental plants, which are permitted to grow to a height exceeding **eight (8) inches** anywhere in the Village.

25-2-2 HEIGHT. It shall be unlawful for anyone 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 Village. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 NOTICE. The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

25-2-4 SERVICE OF NOTICE. Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises. Whenever the Village has to mow a property for failure to have been mowed, the charge shall be **Three Hundred Dollars (\$300.00)**.

25-2-5 ABATEMENT. If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 LIEN. Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-2-7 PAYMENT. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after the lien is in effect for **sixty (60) days**.

25-2-9 PENALTY. Any person who violates this Article shall, upon conviction, be fined **Three Hundred Dollars (\$300.00)** for the first offense, **Five Hundred Dollars**

(\$500.00) for the second offense and **Seven Hundred Fifty Dollars (\$750.00)** for the third offense.

(Ord. No. 2007-06-05.2)

(65 ILCS 5/11-20-6 and 5/11-20-7)