

VILLAGE OF GRANDVIEW, ILLINOIS

ORDINANCE NO. 2000-45

AN ORDINANCE RELATING TO CONTROL
OF WEEDS, GARBAGE AND DEBRIS

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF GRANDVIEW, ILLINOIS

THIS 16 DAY OF May, 2000

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Grandview, Illinois
Illinois, this 16 day of May, 2000.

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Grandview, Sangamon County, Illinois.

I further certify that on May 16, 2000, the corporate authorities of such Village passed and approved Ordinance No. 2000-45 entitled:

**AN ORDINANCE RELATING TO CONTROL
OF WEEDS, GARBAGE AND DEBRIS**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2000-45 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on May 16, 2000, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Grandview, Illinois, this 16 day of May, 2000.

(SEAL)

Louis A. Laminio

Village Clerk

Ordinance No. 20-45

**AN ORDINANCE RELATING TO CONTROL
OF WEEDS, GARBAGE AND DEBRIS**

WHEREAS, pursuant to Sections 11-20-6 and 11-20-7 of the Illinois Municipal Code, the corporate authorities of any municipality may provide for the destruction of weeds at the expense of the owners of premises on which the weeds are growing and may place a lien on the real estate when the Village cuts the weeds upon the owner's failure to do so;

WHEREAS, pursuant to Sections 11-20-13 of the Illinois Municipal Code, the corporate authorities of any municipality may provide for the removal of garbage and debris at the expense of the owners of premises on which garbage and debris are located; and may place a lien on the real estate when the Village removes the garbage and debris upon the owner's failure to do so;

WHEREAS, the corporate authorities of the Village of Grandview find that weeds, garbage and debris are a continuing problem within the Village of Grandview; that due to weeds on certain premises within the Village, passage and effectiveness of an ordinance controlling weeds, garbage and debris is urgent and that this Ordinance should take effect immediately upon its passage.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GRANDVIEW, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: DEFINITIONS

As used herein the following terms have the following definitions:

"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, cockleburr, 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, lambs' quarters, pig weed, beggar ticks, wild lettuce, sheperds 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 or ornamental plants, which are permitted to grow to a height exceeding eight inches (8") anywhere in the Village.

"RUBBISH" means garbage and debris, including but not limited to any unsightly material, waste products, refuse, trash or waste lumber deposited, left, piled or scattered that may become a breeding place for insects, rodents or vermin or that may give off unpleasant odors or create a health or fire hazard where located.

"OWNER" means any owner of record of property within the Village.

"CONTROL" means to have the legal right to remove weeds or rubbish from property.

Any adult person occupying property, whether as a lessee, a contract purchaser, or otherwise, is presumed to have "control" of the property.

SECTION 2: WEEDS AND RUBBISH PROHIBITED AND DECLARED A NUISANCE

A. No owner of property within the corporate limits of the Village, and no person in control of property within the corporate limits of the Village, shall permit any weeds to be present on such property. Weeds are hereby declared to be a nuisance.

B. No owner of property within the corporate limits of the Village, and no person in control of property within the corporate limits of the Village, shall permit any rubbish to be present on such property. Rubbish is hereby declared to be a nuisance.

SECTION 3: REMOVAL OF WEEDS AND RUBBISH REQUIRED BY OWNER AND PERSONS IN CONTROL OF PROPERTY

The Village President, or any trustee so authorized by the Board of Trustees, may order the removal of any weeds or rubbish found within the Village by sending a notice by certified mail, return receipt requested, or causing a notice to be personally delivered to the owner thereof, or persons in control thereof, or both, in substantially the following form:

PLEASE TAKE NOTICE that you have permitted [weeds] [rubbish] to exist on the following property owned or occupied or otherwise controlled by you within the corporate limits of the Village of Grandview, in violation of Ordinance No. 2000-___, "An Ordinance Relating to Control of Weeds, Garbage and Debris". The address of the property is

You are hereby ordered to remove such [weeds] [rubbish] within 10 calendar days of the date of this Notice.

Ordinance No. 2000-___ provides that any person violating its provisions is subject to a fine of not less than \$100.00 nor more than \$500.00 for each day a violation is allowed to continue. If the Village must prosecute you for violating Ordinance No. 2000-___, it will seek fines beginning from the date of this Notice.

Ordinance No. 2000-___ also provides that if you fail to remove the weeds or rubbish, the Village may do so, or may hire someone to do so, and may place a lien on the premises described in this Notice if you fail to pay for the work. If the Village itself performs the work, it will charge \$100.00 per hour for the work.

The definitions of "weeds" and "rubbish" in Ordinance 2000-___ are as follows:

"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, cockleburr, 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, lambs' quarters, pig weed, beggar ticks, wild lettuce, sheperds 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 or and ornamental plants, which are permitted to grow to a height exceeding eight inches (8") anywhere in the Village.

"RUBBISH" means garbage and debris, including but not limited to any unsightly material, waste products, refuse, trash or waste lumber deposited, left, piled or scattered that may become a breeding place for insects, rodents or vermin or that may give off unpleasant odors or create a health or fire hazard where located.

This Notice is dated this ___ day of _____, 200__.

Signature

SECTION 4: REMOVAL OF WEEDS AND RUBBISH BY THE VILLAGE

If within 10 calendar days of mailing or actual delivery of the notice set forth in Section 3, whichever comes later, the weeds or rubbish have not been removed, then the Village President or a Village Trustee authorized by the Board may cause the weeds to be cut or the rubbish removed, and the entire expense thereof shall be chargeable to both the person who owns and the one who controls such real estate, to be collected by suit or otherwise, in addition to the penalty prescribed in this Ordinance.

SECTION 5: IMPOSITION OF LIENS

The charges for removal of weeds or rubbish in accordance with Section 4 shall be a lien upon the property. The lien shall be perfected as follows:

a. A notice of lien shall be filed with the Recorder of Deeds of Sangamon County, Illinois, within 60 days of the date the charges are incurred. The notice shall be in substantially the form exemplified by Exhibit A to this Ordinance.

b. A notice shall be personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent after the cutting of weeds or removal of rubbish from on the property. The notice shall be in substantially the following form:

PLEASE TAKE NOTICE that pursuant to Village of Grandview Ordinance No. 2000-____, "An Ordinance Relating to Control of Weeds, Garbage and Debris", the Village of Grandview, Illinois has incurred charges in the amount of \$_____ to remove [weeds][rubbish] from property owned by you, the address of which is _____ . In accordance with Ordinance No. 2000-____ and Section 11-20-7 of the Illinois Municipal Code (relating to liens for weed cutting) or Section 11-20-13 of the Illinois Municipal Code (relating to liens for garbage and debris removal), a lien has been filed in such amount against your property with the Recorder of Deeds of Sangamon County, Illinois.

SECTION 6: RELEASE OF LIENS

Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, including all recording costs, 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 by the property owner.

SECTION 7: CHARGE FOR USE OF VILLAGE EQUIPMENT AND PERSONNEL

The Village hereby establishes a charge, payable to the Village, of \$100.00 per hour or any portion thereof for the use of Village employees, equipment and fuel for removal of rubble and weeds. The corporate authorities of the Village hereby find that said charge is fair and reasonable to recompense the Village for its expenses.

SECTION 8: PENALTIES

Any person violating Section 2 of this Ordinance shall, upon conviction thereof, be liable for a fine of not less than \$100.00 nor more than \$500.00. Each day a violation continues after notice has been mailed or actually delivered, whichever is later, in accordance with Section 3 of this Ordinance, shall constitute a separate offense.

SECTION 9: OTHER REMEDIES

In addition to bringing an enforcement action seeking a penalty in accordance with Section 8, and in addition to any other remedy allowed by the Illinois Municipal Code, the Village may bring suit to foreclose this lien, and to sue the owner, or lessee or occupant of

the real estate, of their agent, in a civil action to recover the money due for services rendered, plus all expenses and reasonable attorneys fees to be fixed by the court or hearing officer. Any such judgment shall be enforced in accordance with law. In addition to the charges due, the Village is entitled to collect the costs of filing notice of lien, foreclosing said lien and litigation costs, together with all office and legal expense incurred in connection with the collection of the amount due. The forms of notice contained in this Ordinance are not mandatory, and the failure of the Village to use the prescribed form shall not by itself adversely affect the Village's right to a penalty or remedy.

SECTION 10: EFFECTIVE DATE; PUBLICATION

Due to the urgency of this Ordinance as stated in the preamble, this Ordinance shall be effective immediately upon its passage by a 2/3 vote of the corporate authorities of the Village of Grandview. The Clerk shall forthwith publish this Ordinance in pamphlet form.

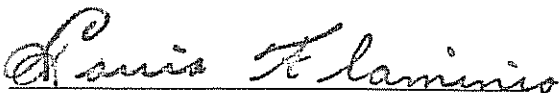
SECTION 11: REPEALER All prior ordinances of the Village of Grandview relating to control of weeds, and rubbish are hereby repealed.

PASSED this 16 day of May, 2000.



VILLAGE PRESIDENT

ATTEST:



Village Clerk

AYES:

5

NAYS:

0

PASSED:

yes

APPROVED:

yes

ABSENT:

0

This space for Recorder of Deeds

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

NOTICE OF LIEN

_____, being duly sworn of oath, states that he/she is an officer of the Village of Grandview with knowledge of the relevant facts; and that pursuant to the provisions of its Ordinance 2000-__, and pursuant to Section 11-20-7 of the Illinois Municipal Code (relating to liens for weed cutting) or 11-20-13 of the Illinois Municipal Code (relating to removal of garbage and debris), the Village of Grandview claims a lien for services against the following property:

Legal description: [insert]

Common Address: [insert]

Owner of Record: [insert]

EXHIBIT A

The lien is for charges incurred on _____ by the Village of Grandview in the amount of \$ _____ in connection with the removal of [weeds][rubbish] from the property.

Signature

Print Name and Title

Subscribed and Sworn before me this
_____ day of _____, 200 _____

Notary Public

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Grandview, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 2000-45, adopted by the President and Board of Trustees of said Village on the 16 day of May, 2000, said Ordinance being entitled:

**AN ORDINANCE RELATING TO CONTROL
OF WEEDS, GARBAGE AND DEBRIS**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 16 day of May, 2000.

Louis Flaminio

Village Clerk