

CHAPTER 11. ABATEMENT OF WEEDS

11.01 Definition: As used in this ordinance, the term “weed” includes but is not limited to the plants commonly known as wild lettuce, cocklebur, ragweed, smart weed, burdock, jimson weed, dogfennel, wild carrot, wild parsnip, hogweed, dandelions, plantain, buckhorn, heal-all, yarrow, ground-ivy, cinquefoil, wild onion, all other broadleaf weeds, and other such plants which are injurious to the public health, and any grasses exceeding 8 inches in height from the ground to the furthest end of the extended plant.

11.02 Weeds Declared A Nuisance: It is hereby declared to be a nuisance for the owner, agent, lessee, tenant or occupant of any lot or tract of land within the corporate boundaries of the Village of Pesotum, Illinois to allow or permit any weed, grass, or plant, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight (8) inches.

11.03 Notice To Remove: Any person who violates this ordinance shall be guilty of maintaining a nuisance, and notice shall be given by the Village Clerk or the President of the Board of Trustees of the Village of Pesotum, Illinois by mailing the same to such person at the person’s residence to remove or abate the same. Said nuisance must be removed or abated by the owner, agent, lessee, tenant or occupant within ten (10) days from receipt of the notice.

11.04 Removal By Village: If the person served with notice does not abate the nuisance within said 10 day period, the Village of Pesotum may proceed to abate the nuisance with the expense to be charged to and paid by the owner, agent, lessee, tenant or occupant.

11.05 The Village may cut back or remove, including by use of weed poison, all vegetation except for trees exceeding one inch diameter, located in an area in which weeds are the predominant vegetation, which shall include all areas containing an average of one or more weeds per square foot of ground. The areas subject to cutting or removal include all areas of the lot or tract which are not improved with buildings, concrete or other driveway and walkway surfaces, or other improvements of a non-vegetation nature, and shall not include clearly defined and edged areas of garden or ornamental plants if weeds are not the predominant vegetation in the area as defined above.

11.06 Cost As A Lien Against The Property: The cost of abating the nuisance shall be a lien on the affected real estate, superior to all liens and encumbrances, except tax liens. (Ill. Rev. Stat. Ch. 24, Sec. 11-20-7). Within sixty 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, must file notice of lien in the Office of the Recorder of Deeds of the county. The notice of lien 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 on which the Village incurred such cost and expense. A copy of the notice of lien shall be mailed to the owner of the premises, if the address of the owner is known

Property subject to a lien for such unpaid costs and expenses shall be foreclosed upon for non-payment of the lien and the proceeds of the sale shall be applied to pay the charges, after deducting costs, such foreclosures shall be in the name of the Village of Pesotum.

The Village attorney may, upon direction of the Board of Trustees institute such proceedings in the name of the Village of Pesotum, in any court having jurisdiction over such matter, against any property for which abatement expenses have remained unpaid for 30 days after such expenses have been incurred. The amount of all reasonable attorney's fees and court costs incurred in such proceedings shall be recoverable by the Village and shall become a lien against the property affected, together with abatement costs and expenses as provided above.

(Revised: 87-2)
11.06 only