

WEEDS (from Chapter 95 Nuisances)



§ 95.24 WEEDS.

(A) All weeds which are a menace or are otherwise injurious to health or welfare are declared to be a nuisance. Every owner of real estate within the village shall cut the weeds on his property at all times necessary so that the weeds shall not exceed 8 inches in height.

(B) If the owner neglects or refuses to so cut the weeds on his property, the village may do so or may authorize some person to cut the weeds on behalf of the village.

(C) If the weeds are cut by the village, a notice of lien for the cost and expense incurred shall be recorded in the following manner. The village, or the person performing the service by authority of the village, may file notice of lien in the office of the Recorder of Deeds of Lake County, Illinois.

(1) The notice of lien shall consist of a sworn statement setting forth:

- (a) A description of the real estate sufficient for identification;
- (b) An amount of money representing the cost and expense incurred or payable for the service; and
- (c) The date or dates when the expense was incurred.

(2) The notice of lien shall be filed within 60 days after the cost and expense is incurred.

(D) If payment of the cost and expense is made after notice of lien has been filed, the lien shall be released by the village, and the release filed in the same manner as the notice of lien. (1978 Code, § 7-2-4)

§ 95.40 WEEDS DECLARED A NUISANCE.

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the village are declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain on any such place.

(1978 Code, § 7-14-1) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.41 HEIGHT.

It shall be unlawful to permit any weeds, grass or plants other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding 8 inches anywhere in the village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

(1978 Code, § 7-14-2) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.42 REMOVAL, NOTICE.

It shall be the duty of the Code Enforcement Officer of the village to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within 10 days. (1978 Code, § 7-14-3) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.43 ABATEMENT.

If the person so served does not abate the nuisance within 10 days, the Code Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the same, and such expense shall be charged to and paid by such owner or occupant.

(1978 Code, § 7-14-4) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.44 LIEN; FORECLOSURE OF SAME.

(A) *Lien claim filed.*

(1) Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the Clerk may file with the Recorder of Deeds of Lake County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses, the costs incurred and the date the weeds were cut, and a notice that the village claims a lien for this amount.

(2) Notice of such lien claim shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the Clerk to record such lien claim or to mail such notice, or failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided herein.

(B) *Foreclosure of lien.*

(1) Property subject to lien for unpaid weed cutting charges shall be sold for nonpayment 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 equity in the name of the village.

(2) The Village Attorney is authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction of such matters, against any property for which such bill has remained unpaid 60 days after it has been rendered.

(1978 Code, § 7-14-5) (Ord. 1995-O-18, passed 6-6-1995)

§ 95.99 PENALTY.

(A) Whoever shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99.

(B) Any person violating any provision of § 95.40 *et seq.* shall be fined as provided in § 10.99 for each offense; and a separate offense shall be deemed committed each day during or on which such a nuisance continues unabated after 10 days from receipt of the notice provided for in § 95.44. (Ord. 1995-O-18, passed 6-6-1995)