

WEEDS

§ 99.01 DECLARATION OF NUISANCE.

Any weeds such as ragweed, thistle, cocklebur, Johnson grass, sow thistle, sorghum almun or other noxious weeds of a like kind or variety, or so designated by the state's Noxious Weed Law, 505 ILCS 100/1 et seq. are hereby declared to be a nuisance and it shall be unlawful to permit the weeds to grow or remain on any premises within the corporate limits of the city.

(1994 Code, § 99.01) (Ord. 421, passed 7-27-1992) Penalty, see §10.99

§ 99.02 HEIGHT LIMITATION.

(A) Except as provided under division (B) below, no owner or person in possession and control of any lot, place or area within the city, and no agent of the owner or person in possession and control, shall permit on the lot, place or area or upon any abutting area between the right-of-way line/property line and street pavement, any weeds, plants or grass, other than trees, bushes, flowers or other ornamental vegetation, to grow in excess of eight inches in height.

(B) The following are generally exempted from the provisions of this section: land zoned agricultural (A-1) as designated by Ch. 155 of this code of ordinances, Zoning, and as shown on the official zoning map of the city, unless used for non-agricultural purpose. For purposes of this subchapter, **AGRICULTURAL USE** shall be construed to mean vacant land or the active production of crops, livestock, fowl or other conventional pursuits. However, portions of those lands exempted by this division (B) which are within 40 feet of the right-of-way of a public street or alley maintained for traffic, or within 40 feet of the property line of adjacent lands used for non-agricultural purposes, shall not be exempted from the provisions of this subchapter.

(1994 Code, § 99.02) (Ord. 421, passed 7-27-1992) Penalty, see §10.99

§ 99.03 NOTICE TO DESTROY WEEDS, GRASS OR GROWTH.

The Code Enforcement Officer, or his or her designee, annually, at or near the commencement of the growth season, shall notify, by general publication in a newspaper published within the city, all owners or persons in possession and control or agents, to cut, destroy or remove any weeds, grass, growths or any matter found growing, lying or located on the properties as regulated by § 99.02 of this chapter.

(1994 Code, § 99.03) (Ord. 357, passed 6-24-1986; Ord. 421, passed 7-27-1992)

§ 99.04 ACTION UPON NON-COMPLIANCE.

Upon failure, neglect or refusal of any owner, person in possession and control, or agent so notified to cut, destroy or remove the weeds, grass, growths or matter, after publication of the notice provided for in § 99.03 of this chapter, the city or its authorized agent shall cut, destroy or remove weeds, grass, growth or matter, and any expense incurred by the city or its authorized agent in doing so shall be a charge against the owner, person in possession or control, or agent so failing, which charge may be recovered in an appropriate action by law. However, no land clearance made necessary by excessive growth shall be done unless the city or its authorized agent shall first post a notice on the property to clear the excessive growth, and that the owner, person in possession and control or agent shall fail for three days after the notice to clear the land.

(1994 Code, § 99.04) (Ord. 357, passed 6-23-1986; Ord. 421, passed 7-27-1992)

§ 99.05 NOTICE OF LIEN.

If weeds, grass, growth or other matter are cut, destroyed or removed by city or its agent, a notice of lien of the costs and expense thereof incurred shall be recorded in the following manner: the city or its agent shall file notice of lien in the office of the Recorder of Deeds in the county. The notice of lien shall contain a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when said costs and expenses were incurred. The notice shall be made under oath and shall be filed within 60 days after the costs and expenses are incurred. The liens are assessed to recover the expenses incurred by the city and shall be separate and shall not serve as an exemption from any other penalties or costs imposed for violation of this subchapter.

(1994 Code, § 99.05) (Ord. 421, passed 7-27-1992)

§ 99.06 VIOLATION.

Any owner, person in possession and control, firm or corporation, who permits weeds, plants or grass to grow or remain on the premises in violation of this subchapter shall be fined in accordance with § 10.99 of this code of ordinances, in addition to repayment of all costs incurred by the city pursuant to §§ 99.04 and 99.05 of this chapter.

(1994 Code, § 99.06) (Ord. 357, passed 6-23-1986; Ord. 421, passed 7-27-1992) Penalty, see §10.99