

ORDINANCE NO. 2017-12

ORDINANCE AMENDING CHAPTER 131, SECTION 131.01, WEEDS AND NEGLECTED LAWNS, AND SECTION 131.99(B), PENALTY, OF THE VILLAGE CODE OF THE VILLAGE OF PECATONICA, ILLINOIS

WHEREAS, the corporate authorities of the Village of Pecatonica have determined that in order to provide more clarity as to village residents' responsibility to maintain real property as required by Chapter 131, Section 131.01 of the Village Code of the Village of Pecatonica, it is necessary to amend said section as provided for herein; and

WHEREAS, to make the penalty for violation of Section 131.01 more fair it is necessary to amend Section 131.99(B), which provides for the penalty for a violation of Section 131.01, as provided for herein.

BE IT ORDAINED by the President and the Board of Trustees of Village of Pecatonica, Illinois.

SECTION 1: That Chapter 131, Sections 131.01 and 131.99(B) are hereby amended as indicated in Exhibit "A" which is incorporated herein by reference.

SECTION 2. That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED by the Board of Trustees this _____ day of _____, 2017.

APPROVED by the Village President this _____ day of _____, 2017.

BY: _____
WILLIAM SMULL, Village President
Village of Pecatonica, Illinois

ATTEST:

GWENN SHIRLEY, Village Clerk
Village of Pecatonica, Illinois

MOTION MADE BY:

MOTION SECONDED BY:

AYES: _____

NAYS: _____

ABSTAIN: _____

131.01 Weeds and Neglected Lawns

(A) Violation

(1) It shall be unlawful for any person, firm, or corporation owning, leasing, occupying, or controlling any parcel of property to permit any weeds or plants, other than trees, flowers, ornamental plants, or cultivated plants, to grow to a height exceeding ten inches anywhere in the village; additionally, residential lawn grass shall not be permitted to grow to a height greater than eight inches.

(2) Any such weeds, ~~or~~ plants or grass exceeding such height are hereby declared to be a nuisance.

(3) It shall be the duty of every person, firm, or corporation owning, leasing, occupying, or controlling any parcel of property within the village to remove said weeds or plants, and, in the case of residential lawn grass, to keep the lawn grass groomed at a height of eight inches or lower.

(B) Notice of Violation

(1) It shall be the duty of the Village Police Department or Building Inspector to serve or cause to be served a notice in writing upon any person, firm, or corporation owning, leasing, occupying, or controlling the parcel of property upon which such public nuisance exists, requiring such person, firm, or corporation to abate said nuisance in such a manner as he or she prescribe within 48 hours.

(2) The ~~failure~~ failure to abate such nuisance within the period designated by the written notice shall constitute a violation of this section.

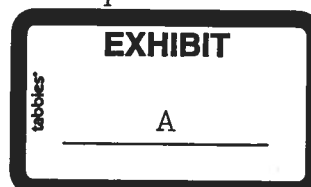
(C) Removal by Village

(1) Whenever any person, firm, or corporation owning, leasing, occupying, or controlling any parcel of property located within the village refuses or neglects to abate such nuisance at the end of the first seven days, the Village Police Department shall authorize the Public Works Department or the Health Officer to pull, cut or otherwise destroy the weeds or plants and to mow the lawn grass constituting a public nuisance.

(2) A reasonable charge for abating such nuisance may be collected from the person, firm, or corporation owning, leasing, occupying, or controlling the parcel of property upon which such nuisance existed.

(D) Notice of lien.

(1) The reasonable expense of abating such nuisance, in the event the same has not been paid, is hereby declared to be a lien upon the real estate effected, superior to all other



liens and encumbrances, except tax liens; provided, that within 30 days after such expense has been incurred, the Village Attorney or Village Clerk shall file a notice of lien in the office of the County Recorder.

(2) This notice shall consist of a sworn statement by an agent of the village setting out the description of the parcel of property, the amount of money representing the cost and expense incurred in abating said nuisance, and the date or dates when such costs or expense was incurred by the village.

(3) Upon payment of the costs and expense by the owner or persons interested in such a parcel of property, the lien shall be released by the preparation and recording of such release in the office of the County Recorder.

131.99 Penalty.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of **130.99**.

(B) Penalty for violation of **131.01** shall be \$100 per occurrence which shall be owed upon receipt of written notice under the provisions of Section (B) of 131.01 and payable with the Village Clerk. A person who fails to abate the nuisance within 10 days or commits a second or subsequent violation at the same parcel of real property shall be subject to a \$200 fine in addition to any reasonable expense incurred by the village in abating said nuisance. ~~Every day the violation persists shall constitute a separate occurrence.~~

(C) (1) Any person who violates any provision of **131.02** shall be fined not less than \$25, nor more than \$750 for any such violation.

(2) Each day the nuisance remains unabated shall constitute a separate offense.

(D) (1) Any person who shall remove a tree in violation of **131.03** shall be subject to a fine of not less than \$100 nor more than \$750 per offense, plus the costs for removal of the stump and replacement of the tree.

(2) Any person who shall plant a tree in violation of **131.03** shall be subject to costs incurred for removal of the tree.