

ORDINANCE NO. 585

AN ORDINANCE REGULATING NUISANCE GREENERY
IN THE CITY OF SUMNER, ILLINOIS

WHEREAS, the City of Sumner, Illinois (City) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois; and

WHEREAS, the City is authorized to enact such rules and regulations for the disposal and abatement of grass, weeds, and other nuisance greenery as may be necessary to protect the public health and safety (65 ILCS 5/11-20-6; 65 ILCS 5/11-20-7); and

WHEREAS, the corporate authorities of the City have determined that it is necessary to amend its existing ordinances regulating grass, weeds, and other nuisance greenery within the corporate boundaries for the purpose of protecting the health, safety and welfare of residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sumner, Illinois, as follows:

Section 1: Incorporation of Recitals. The Recitals contained in the preamble of this Ordinance are incorporated in this Ordinance as if set out fully herein.

Section 2: Definitions.

- (A) **Landscape Waste.** "Landscape Waste" shall include grass, grass clippings, shrubbery, plant prunings, leaves, tree branches, tree trimmings, tree stumps, and fruit and vegetable garden refuse.
- (B) **Weeds.** "Weeds" shall include, but not be limited to the following: Burdock, Ragweed (giant), Ragweed (common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds, as defined by the statutes of the State of Illinois.
- (C) **Removal of Nuisance Greenery.** "Removal of Nuisance Greenery" or "Removal Activities" means the cutting of weeds or grass, the trimming of trees, bushes, or shrubs, and the removal of nuisance bushes, shrubs or trees.
- (D) **Removal Cost.** "Removal Cost" means the total cost of the Removal Activity.

Section 3: Landscape Waste. It shall be unlawful for the owner or occupant of any premises within the City to remove any landscape waste from his premises onto any paved or unpaved street, highway, road, roadway, curb, alley, gutter, sidewalk, public right-of-way, or other public property, except as may be permitted by ordinance for the purpose of burning in or along a ditch.

Section 4: Height of Grass and Weeds. It shall be unlawful for the owner or occupant of any premises within the City to permit any weeds, grass, or plants other than trees, bushes, shrubs, flowers or other ornamental plants to grow a height exceeding eight inches (8") upon such premises. Any such weeds, grass or plants exceeding 8" shall be deemed to be a nuisance.

Section 5: Unsafe Trees, Bushes and Shrubs. It shall be unlawful for the owner of any premises within the City to permit any tree, bush, or shrub growing on such premises to overhang, encroach, or obstruct any sidewalk, street, or other public place in such a manner as to interfere or create unsafe conditions with traffic or travel, or light. Any such tree, bush, or shrub so causing an interference or creating unsafe conditions with traffic or travel or light shall be deemed to be a nuisance.

Section 6: Notice of a Nuisance.

- (A) The Chief of Police, or any duly authorized law enforcement officer, may issue a written notice for abatement of the Nuisance Greenery. Weeds and grass shall be abated within five (5) days after such notice has been duly served. Unsafe trees, bushes, and shrubs shall be abated within thirty (30) days after such notice has been duly served.
- (B) Service of the notice for the abatement of weeds or grass may be effected by personally serving the notice to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises; or by mailing such notice to the person to whom was sent the last tax bill for general real estate taxes on the premises.
- (C) Service of the notice for the abatement of unsafe trees, bushes or shrubs may be effected by personally serving the notice to the owner of the premises or to any member of his household of the age of 15 years or older found on the premises; or by mailing such notice to the person to whom was sent the last tax bill for general real estate taxes on the premises.

Section 7: Violations and Penalties.

- (A) If the person served with notice does not abate or cause to abate the Nuisance Greenery within the time prescribed herein, the City may proceed to remove the Nuisance Greenery, keeping an account of the Removal Costs, which shall be charged to the owner or occupant of the premises.
- (B) If the person served with the notice does not abate or cause to abate the Nuisance Greenery within the time prescribed herein, the Chief of Police or any duly authorized law enforcement officer may issue a citation for violation of this Ordinance. A person's failure to abate the Nuisance Greenery within five (5) days of the issuance of the first citation, and for each subsequent 5 day period thereafter, shall constitute separate violations, and the Chief of Police or any duly authorized law enforcement officer may issue additional citations without further

notice or warning. The minimum fine for each violation of this Ordinance shall be Two Hundred Dollars (\$200.00).

Section 8: Lien for Removal Cost.

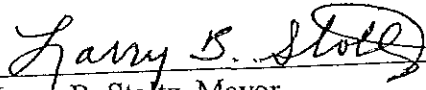
- (A) Charges for the removal of Nuisance Greenery shall be a lien upon the premises. Within one (1) year after the Removal Cost is incurred, the City may file a notice of lien in the Office of the County Recorder. The notice shall consist of a sworn statement setting forth: (1) a description of the premises sufficient for identification; (2) the amount of the Removal Cost; and (3) the date or dates when the Removal Cost was incurred by the City.
- (B) If, for any one parcel, the City has engaged in any Removal Activity on more than one occasion during the course of one (1) year, the City may combine any or all of the costs of each of those activities into a single notice of lien.
- (C) A copy of the notice of lien on the premises 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 taxable year immediately preceding the Removal Activities. The notice shall be delivered or sent after the Removal Activities have been performed and shall include: the substance of this section and the substance of the state statute authorizing the implementation of this section; identification of the premises by common description; and a description of the Removal Activity.
- (D) Upon payment of the lien cost after the notice of lien has been filed, the City shall release the lien, and the release may be filed of record by the owner. All lien and release of lien filing fees shall be paid by the owner of the premises.
- (E) A lien under this section may be enforced by proceedings to foreclose as in case of mortgages or mechanic's liens. An action to foreclose a lien under this section must be commenced within two (2) years after the date of filing the notice of lien.

Section 9: Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City prior to the effective date of this Ordinance.

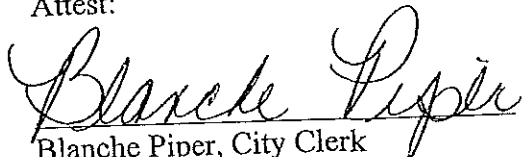
Section 10: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED and ADOPTED by the City Council of the City of Sumner, Illinois, and APPROVED by the Mayor this 12th day of July, 2011.

VOTE: 6 Ayes 0 Nays 0 Absent 0 Abstain


Larry B. Stoltz, Mayor
City of Sumner, Illinois

Attest:


Blanche Piper, City Clerk
City of Sumner, Illinois