

ORDINANCE NO. 02-07-06 1 F

AN ORDINANCE REGULATING WEEDS OR GRASS

WHEREAS, the Mayor and Alderman of the City of Orient, Franklin County, Illinois, find sufficient urgency exists that this Ordinance should take effect immediately.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Alderman of the City of Orient, Franklin County, Illinois, as follows:

SECTION: 1 **OWNER RESPONSIBLE FOR PROHIBITED GROWTH.** No owner or person in control of any lot, parcel or area within the City, and no agent of such owner or person, shall permit on any such lot, parcel or area within the City any grass or weeds over **six (6) inches** in height, or any other unhealthy growths or other noxious matter that may be growing, lying or located thereon.

SECTION: 2 **DECLARED NUISANCE.** It is hereby declared a nuisance and it shall be unlawful for the owner or occupant of any lot, parcel or area within the City to allow weeds and grass to grow to a height of **six (6) inches.**

SECTION: 3 **NOTICE.** Notice to the owner or occupant shall be provided by posting a notice on the subject property that the grass and/or weeds exceed **six (6) inches** in height. Such notice shall be posted by the Orient Code Officer, or any other designee. Upon the posting of the notice, the property owner or occupant shall have **seventy-two (72) hours** to cut the grass and remove weeds.

SECTION: 4 **ACTION UPON NONCOMPLIANCE.** Upon the failure, neglect, or refusal of the owner, or person in control to cut, destroy or remove such weeds or grass after the posting on the property, the City, or its authorized agent, shall cut, destroy or remove the grass and weeds, and any expense incurred shall be a charge against the owner.

SECTION: 5 **NOTICE OF LIEN.** When weeds and grass are cut, destroyed or removed by the City, or its authorized agent, the owner or person in control shall be notified in writing of the costs of the cutting, destruction and removal of the grass and weeds. If the costs of cutting and removal of the grass and weeds are not paid within **twenty-one (21) days** of the date of notice, a lien for costs and expense of removal shall be filed in the

Office of the Record for Franklin County. The lien shall contain a description of the property sufficient for identification thereof, the amount of the costs and expenses incurred or payable for the service, and the date or dates the costs and expenses were incurred. Such lien shall be under oath and shall be filed within **sixty (60) days** after the costs and expense are incurred. Such liens shall be assessed to recover the expenses incurred by the City and shall not serve as an exemption from any penalties imposed for violation of this Chapter.

SECTION: 6 **PENALTY FOR VIOLATION.** Any owner or person in control who does not maintain property in compliance with this Article, shall upon conviction thereof, be fined not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such in accord with this Article.

SECTION: 7 **FORECLOSURE OF LIEN.** In addition to any other legal remedy available under this Code, or applicable state or federal law, any lien filed pursuant to this Chapter may be enforced by proceedings to foreclose, in accord with the foreclosure proceedings set forth in state law. Such action shall be commenced only upon those liens which equal or exceed a total of Five **Hundred Dollars (\$500.00)** or more, including administrative costs and filing fees.

SECTION: 8 If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION: 9 All ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION: 10 This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ORIENT, ILLINOIS

THIS 7th DAY OF February, 2005.

APPROVED:

Mano Alvarado Jr
MAYOR, CITY OF ORIENT

ATTEST:

Monica J. Davis
CITY CLERK

Voting Aye: 6

Voting Nay: 0

Absent: 0

Abstain: 0