

ORDINANCE NUMBER 457

**AN ORDINANCE PROHIBITING HIGH WEEDS AND SETTING PENALTIES THEREFORE WITHIN
THE VILLAGE LIMITS OF THE VILLAGE OF EASTON, MASON COUNTY, ILLINOIS**

WHEREAS, the President and Board of Trustees of the Village of Easton, Mason County, Illinois, have considered the question of weeds and weed control, and

WHEREAS, it appears to be in the best interest of the health of the inhabitants of the Village of Easton to adopt an Ordinance controlling the weeds in the community. The Village of Easton shall provide a manner which to determine when the weeds are a nuisance to the community and a method by which owners of the property are given the opportunity to correct the problem and if they do not, a procedure shall be set up whereby the Village will do that and shall impose a lien on the property for performing such service.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EASTON, ILLINOIS, as follows:

SECTION 1. DEFINITION: Weeds are defined as all grasses, annual plants and vegetation other than trees or shrubs, which exceed a height or length of Ten (10) inches; provided, however, this term shall not include cultivated flowers and gardens.

All Weeds as defined herein are declared to be a public nuisance.

SECTION 2. ENFORCEMENT OF WEED CONTROL -NOTICE TO ABATE NUISANCE ON LOTS WITH STRUCTURES: It shall be the duty of the Village Police Department to enforce the provisions of this Ordinance and to notify persons violating the same to cut or destroy weeds located on lots with buildings or structures located thereon within seven (7) days from the date of the service of the notice, and upon the failure of the owner, tenant or occupant to comply with the notice, the proper officials shall proceed to cut or destroy the weeds.

Notice shall be given by means of personal service of a copy of the complaint or by certified or registered mail of a copy of the complaint which is addressed to the residence or usual place of business of the owner or person in control of the property. Personal service shall be made by a Village employee or any person authorized by law to make personal service.

SECTION 3. ENFORCEMENT OF WEED CONTROL - NOTICE TO ABATE NUISANCE ON VACANT LOTS: It shall be the duty of the Village Police Department to enforce the provisions of this Ordinance and to notify persons violating the same to cut or destroy weeds located in or on any tract or tracts of real estate located within the Village whereupon there are located no structures and which permit weeds to grow on any such tract taller than ten (10) inches in contrary to this Ordinance. Said weeds shall be cut or destroyed seven (7) days from the date of the service of the notice, and upon the failure of the owner, tenant, or occupant to comply with the notice, the property officials shall proceed to cut or destroy the weeds.

SECTION 4. WEED CUTTING BY THE VILLAGE: Upon the failure of the owner, tenant, occupant, or other interested person to comply with the notice to cut or destroy the weeds within seven (7) days from the date of the service of the notice as provided in Section 2 and 3 of this Ordinance, the Village of Easton may proceed to have the weeds cut or destroyed.

If the notice provided for in Section 2 is returned by the United States Post Office because of inability to make delivery thereof, the responsible officials are hereby authorized and empowered to destroy such weeds.

SECTION 5. WEED LIEN, PERSONAL JUDGMENT: The cost and expense of cutting or destroying the weeds on a separate piece or parcel of ground shall be recoverable from the owner or owners of the real estate and is a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes, provided, however, that within ninety (90) days after completion of the weed cutting or destroying, the village legal counsel shall file a notice of lien for the cost and expense incurred by the Village, in the office of the recorder of deeds of Mason County. Upon payment of said cost of cutting or destroying the weeds, the lien shall be released by the Village legal counsel.


The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Suit to foreclose this lien shall be commenced by the Village legal counsel within two (2) years after the date of filing notice of lien.

As an alternative to collecting the Village's expenses of cutting or destroying the weeds, the Village legal counsel may commence proceedings in the circuit court seeking a personal judgment

contained in the prevailing Wage Ordinance of Mason County, Illinois in effect at the time of the cutting or destroying. The action authorized by this paragraph shall be in addition to, and without waiver of, any other remedies, and the Village shall be entitled to recover its reasonable attorney's fees in such action.

SECTION 6. Any person, firm or other entity violating any provision of this Ordinance shall be subject to a fine not less than \$100.00, nor more than \$750.00 per violation, and it shall be deemed a separate offense and violation for each and every day said condition exists on the property.

This Ordinance was passed by the Village Board on April 4, 2016, and shall be in full force and effect after the passage and publication as required by law.



PRESIDENT

ATTEST:



VILLAGE CLERK

(SEAL)

It was moved by Trustee, Veronica Armbrust that the foregoing Ordinance 457 be adopted.


Said Motion being seconded by Trustee, Charlene Fangmeier that the foregoing Ordinance 457 be adopted.

Those voting "Aye", Trustees Charlene Fangmeier, Aaron Miller, Lisa Lynn, Kent Gray, Dixie Riegel, and Veronica Armbrust

Those voting "Nay", Trustees None

Absent None

The Village Board of the Village of Easton, Mason County, Illinois is composed of the President and 6 Trustees.


Village President

Attest:


Village Clerk