

ORDINANCE NUMBER 480

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

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

SECTION 1.

A. It is unlawful for anyone to permit any weeds, grasses or plants other than trees, bushes, flowers or other cultivated flowers or gardens to grow to a height exceeding eight (8) inches anywhere in the Village. Any such weed, grass or plant exceeding eight (8) inches is hereby declared to be a nuisance.

B. It is unlawful for anyone to permit the accumulation of brush, including leaves, tree branches, or other accumulated yard waste, or to allow the remains of fallen trees or branches upon their property within the Village. Any such brush accumulations or fallen trees and branches are hereby declared to be a nuisance.

SECTION 2. NOTICE TO ABATE

A. It shall be the duty of the Village Police Department to enforce this ordinance and to notify persons violating the same to cut or destroy weeds, grasses or plants exceeding eight (8) inches in height within 5 days of such notice, if such notice is the first violation issued for the premises in any calendar year.

B. It shall be the duty of the Village Police Department to enforce this ordinance and to notify persons violating the same to cut or destroy weeds, grasses or plants exceeding eight (8) inches in height within 3 days of such notice, if such notice is for the second or subsequent violation issued for the premises in any calendar year.

C. It shall be the duty of the Village Police Department to enforce this ordinance and to notify persons violating the same to remove accumulated brush or fallen limbs or trees or otherwise abate the nuisance within 5 days of such notice.

D. Notice shall be given by means of personal service or by certified or registered mail of a copy of the notice of violation/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. Notice shall be deemed effective on the date of mailing, in the event of certified or registered mail.

SECTION 3. 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 or remove accumulated brush or trees or limbs within the required time frame of service of the notice as provided in Section 2 of this Ordinance, the Village of Easton may proceed to abate the nuisance.

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 4. WEED LIEN, PERSONAL JUDGMENT

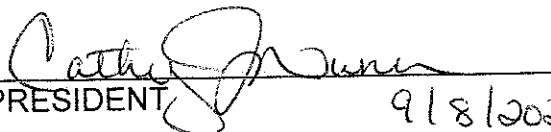
The cost and expense of abating a nuisance hereunder on a separate piece or parcel of ground shall be recoverable from the owner or owners of the real estate and is a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes, provided, however, that within ninety (90) days after completion of the abatement, 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 abatement, 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 abatement, the Village legal counsel may commence proceedings in the circuit court seeking a personal judgment from the owner of the subject property in the amount of said costs, said costs to be determined by the rates contained in the prevailing Wage Ordinance of Mason County, Illinois in effect at the time of the abatement. 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 5. PENALTY

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.


PRESIDENT 9/8/2020

ATTEST:

Joanna Mustered 9-8-2020
VILLAGE CLERK

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