

**VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS**

ORDINANCE NO. 2016-08
**AN ORDINANCE DECLARING CERTAIN WEEDS, GRASSES,
AND PLANTS TO BE A NUISANCE.**

ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN

This 20th day of Decemebr, 2016

VILLAGE OF FLANAGAN, ILLINOIS

ORDINANCE NO. 2016-08

**AN ORDINANCE DECLARING CERTAIN WEEDS,
GRASSES, AND PLANTS TO BE A NUISANCE.**

Be it ordained by the Village Board of Flanagan, Illinois, as follows:

- A. **Declaration of Nuisance.** Any weeds, such as jimson burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing in any lot or tract of land in the Village of Flanagan ("Village"), are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain for more than seven (7) days in any such place. For the purposes of this Ordinance, "weed" shall also mean, "a plant that is not valued where it is growing and is usually of vigorous growth especially one that tends to overgrow or choke out more desirable plants."

- B. **Height.** It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, vegetable plants, flowers or other ornamental plants, to grow to a height exceeding eight (8) inches anywhere in the Village. Any such plants or weeds exceeding such height are declared to be a nuisance. For the purposes of this Ordinance, "trees" shall also mean, "a usually tall plant that has a thick, wooden stem and many large branches."

- C. **Notice to Abate.** It shall be the duty of the Village, its duly appointed representative, the Livingston County Sheriff's Department or a Sheriff's Deputy, to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this section and to demand the abatement of the nuisance within seven (7) calendar days of the notice.

Notice served upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of this Ordinance shall be in substantially the following form:

NOTICE TO REMOVE UNLAWFUL WEEDS, GRASS, OR PLANTS

Village of Flanagan, Illinois

You are hereby notified in accordance with paragraph 3 of Ordinance No. 2016-08 of the Village of Flanagan that weeds are growing upon the following described real estate in violation of paragraph(s) 1 and/or 2 of Ordinance No. 2016-08, a copy of which is attached.

**STREET ADDRESS OR OTHER DESCRIPTION OF THE REAL ESTATE
IN VIOLATION:** _____

You are further notified that unless said weeds and/or grass are removed or cut within seven (7) calendar days from the date of receipt of this notice that a complaint may be filed charging a violation or violations of Ordinance No. 2016-08 and that, additionally, the Village may proceed to cut said weed and/or grass at the expense of the owner of the real estate in question. If charges for removal by the Village remain unpaid after sixty (60) calendar days, the Village may pursue whatever legal action necessary to collect the amount due, including filing a notice of lien in the office of the Recorder of Deeds of Livingston County, Illinois, and claiming a lien on the premises in the amount of the cost of the cutting and removal

Dated this ____ day of _____, 20____

VILLAGE OF FLANAGAN

Name	Date	Title
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(Ord. 16-08)

- D. **Abatement by Village.** If the person so served does not abate the nuisance within seven (7) calendar days, the Village may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant.

The Village shall have the right to take such legal steps to collect amounts owed for the abatement of illegal weeds and/or grass as it deems necessary, including, but not limited to, the procedure-set forth herein as paragraph of this 5. All costs and fees for this abatement incurred by the Village shall be the responsibility of the owner or occupant.

- E. **Lien.** Charges for such weed or grass removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty (60) calendar days after it has been rendered, the Village may file a sworn statement of lien claim with the Livingston County Recorder. This statement shall contain a description of the premises sufficient to identify the parcel, the expenses and costs incurred, the date the weeds were cut, and a notice that the Village claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. However, failure of the Village to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in subsection (g) hereof.

- F. **Foreclosure of Lien.** Property subject to a lien for unpaid weed, grass or plant cutting charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs and fees, as is the case in the foreclosure of statutory liens. The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty (60) days after it has been rendered.
- G. **Enforcement Process.** The Village, its officers and staff shall follow the following process in enforcing this Ordinance:
- a. Determine nuisance exists.
 - b. Make a record of the nuisance by taking photos and preparing documentation including dates.
 - c. Prepare notice and have it served.
 - d. Re-inspect after seven (7) calendar days from the date notice was served.
 - e. Make record of re-inspection by taking photos and preparing documentation including dates.
 - f. Obtain proof of service of notice.
 - g. If there is no compliance, the Village may abate the nuisance and document the costs thereof.
 - h. Send itemization of costs with demand for payment to property owner. Advise that non-payment of these costs within sixty (60) calendar days will result in the Village filing a lien on the property and possible legal action to foreclose on the lien.
 - i. Sixty (60) calendar days after abatement if there is no payment for the costs to the Village to abate nuisance, the Village may record a lien.
 - j. If the lien not satisfied, after a period of time left to the Board, legal action may be authorized to foreclose on the lien.
- H. This Ordinance shall supersede any ordinances or motions or parts of ordinances or motions in conflict with any part herein, and any such ordinances or motions or parts of such ordinances are hereby repealed.
- I. If any section, paragraph or provisions of the Ordinance shall be held invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect

any of the remaining provisions of this Ordinance.

J. **Publication.** The Secretary of the Village of Flanagan is hereby directed to publish this Ordinance in full at least once in a newspaper published in the Village. Publication shall take place no later than (30) days following the adoption of this Ordinance. The provisions of this Ordinance shall be in full force and effect ten (10) days after publication as provided by law (65 ILCS 5/1-2-4).

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 20th day of December, 2016.

PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

AYES: _____

NAYES: _____

ABSENT: _____

Jason Montello
President, Board of Trustees
Village of Flanagan

IL (SEAL)

ATTEST:

Kristy Dodge, Village Clerk
Village of Flanagan

APPENDIX A

NOTICE TO REMOVE UNLAWFUL WEEDS, GRASS, OR PLANTS

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Dated this ____ day of _____, 20__

VILLAGE OF FLANAGAN

Name Date Title

(Ord. 16-08)