

AN ORDINANCE TO REGULATE AND ELIMINATE
VEGETATION, WEEDS AND PLANTS
IN THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS, A MUNICIPAL CORPORATION:

SECTION ONE: DEFINITIONS:

Newspaper means any paper of general circulation which is regularly published and sold or distributed to the public.

Public place of public way means any and all streets, sidewalks, boulevards, alleys, public grounds, or public buildings.

Right-of-way means public property dedicated for a public purpose such as vehicular traffic.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular traffic.

Vegetation means any plant life.

Village means Village of Peoria Heights.

Weeds means all noxious vegetation including but not limited to weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of like kind, and all grasses, annual plants and vegetations, 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.

SECTION TWO: VEGETATION:

- A. All weeds are declared to be a public nuisance.

SECTION THREE: GROWTH OF WEEDS PROHIBITED:

A. It shall be unlawful for any person, firm, corporation or entity to permit any weeds, vegetation, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding ten (10) inches on any lot or tract of land in the Village.

B. It shall be unlawful for an owner or person in control of or residing in any real property to permit the growth of weeds on any right-of-way located between the property line of the property and the roadway portion of an adjoining highway inclusive of all parkways, sidewalks and waterways found therein. When a parcel or right-of-way because of dangerously steep gradient, or for other similar reasons, has growth in a natural state and has not been previously graded, improved or otherwise maintained, enforcement of the height requirement shall be waived, unless noxious growths adversely affect health or obstructions to traffic safety are present.

C. It shall be unlawful for an owner or person in control of or residing in any real property to permit the encroachment of vegetation including all weeds, flowers, bushes, hedges, trees or any other plant growth to encounter any public place or public way.

SECTION FOUR: GENERAL PROVISIONS:

A. Notice to abate any violation of this Ordinance shall be given by personal service, by certified mail which is addressed to the residence or usual place of business of the owner or person in control or possession of the property or by posting a sign regarding the violation on the premises of the property in violation. Personal service may also be obtained through delivery of the complaint by a Village employee or any person authorized by law to make personal service.

B. The Village may give notice to abate a violation by posting a sign in a conspicuous place near the main entrance of a structure. The posted sign shall be at least fourteen (14) inches in height and eight (8) inches in width and at the top thereof in large letters shall state the words, "Notice to Abate." The text of the notice shall contain a reference to the provision of this Ordinance violated and may contain such other information respecting the nature of the violation as advisable. It shall be unlawful for anyone to deface, tamper with, or remove the "Notice to Abate" sign from the property where it is posted unless authorized by an employee or agent of the Village.

C. If the notice to abate sent by certified mail is returned to the Village by the United States post office because of its inability to make delivery thereof, the Village is authorized to cut the weeds and remove the cuttings from the property.

D. Upon failure of the owner or persons in control or residing in the premises to comply with a notice to abate and cut weeds within five (5) days from the date of the service to abate by personal service, certified mail or posting, the designated officials, or their agents, shall cut any weeds and remove same from the premises.

SECTION FIVE: NOTICE TO ABATE WEEDS ON VACANT LOTS AND ON LOTS WITH UNOCCUPIED STRUCTURES:

The Village shall cause to be published in a newspaper of general circulation within the Village limits once a week for two consecutive weeks, only, between March 21 and August 31 of each year a notice informing all owners and persons in control any vacant lot, or any lot or any home with an unoccupied structure that the growth or weeds on any such lot or parcel of land is contrary to this ordinance. The notice shall further inform the public that should the weeds ever grow to more than ten (10) inches in height, the Village may cut the vegetation, grass or weeds without further notice and the owner or person in control shall be liable to the Village for its costs. This notice shall be a display advertisement.

SECTION SIX: LIEN AND PERSONAL JUDGMENT:

A. The cost of cutting the weeds and the removal of the cut weeds from private property shall be recoverable from the owner or person in control of or residing in the real estate and shall be a lien thereon. The lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however, that within 90 days after completion of the cutting of the weeds and the removal, the Village Attorney shall file a notice of lien for the cost incurred by the Village in the Office of the Recorder of Deeds of Peoria County. Upon payment of the total costs, the lien shall be released by the Village Attorney.

B. 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 counsel within three years after the date of filing of notice of lien.

C. If the Village cost for cutting the vegetation, weeds and grass are not paid, the Village Attorney may commence proceedings in the Circuit Court seeking a personal judgment from the owner, person in control, or residing in the property. Attorney fees and costs to prosecution are an expense of enforcing the ordinance and said expenses are in addition to the collection of the amount of the judgment entered by the Court.

D. Attorney fees and costs are an expense in enforcing any proceedings to foreclose a lien and/or to obtain a personal judgment against an owner, party in control or residing in property for whom a lien is enforced or a personal judgment is obtained for the violation under this Ordinance.

E. Any action as authorized by this Ordinance shall be in the addition to, and without waiver of, any other remedies.

SECTION SEVEN: SERVICE OF VIOLATION:

Service for any violation of this ordinance shall be made first by either certified mail or personal service of the complaint to the violator or to a person fourteen (14) years and older in the violator's household. If any of these means fail, service shall be accomplished by court summons. The notice procedures to eliminate the nuisance of weeds may be also complied with by procedures set out in Section Four and Five of this Ordinance.

SECTION EIGHT: PENALTY:

Any person, entity, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than SIXTY DOLLARS (\$60.00) or FIVE HUNDRED DOLLARS (\$500.00). Each day such refusal to comply with the Ordinance by any person, entity, firm or corporation shall constitute a separate offence. The penalty as specified in this Section, which may be imposed may include in addition to the fine all costs, attorney fees and penalties provided for late and/or abatement of the nuisances as provided in this Ordinance.

SECTION NINE: FINES

All fines imposed for a violation of this Ordinance may be ordered by either an Administrative Hearing Officer of the Village of Peoria Heights or a Judge of the Circuit Court of the Tenth Judicial Circuit of Peoria County, Illinois, shall bear statutory interest as allowed under the Illinois Compiled Statutes from the date of the fine imposition.

SECTION TEN: HEARING OF VIOLATIONS BY ADMINISTRATIVE ADJUDICATION:

A. There has been established by the Village of Peoria Heights Ordinance Hearing Department for the purpose of expeditiously processing Ordinance violations by Administrative Adjudication and providing a form for same in the process and procedures for hearings as set out in Ordinance Number 1138 entitled, "An Ordinance Established System for the Administration Adjudication of Violations of Village Ordinances". Said Ordinance Number 1138 and the procedures contained therein is hereby adopted for the purposes of processing all of the violations of this Ordinance and is therefore incorporated and made a part of this Ordinance. The Village may, at its option, use any other means of enforcement of this Ordinance as available by law.

B. The Administrative Adjudication violation hearing procedure is not mutually exclusive and the Village may enforce violations of this Ordinance through the Circuit Court of Peoria County, Illinois.

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 APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF PEORIA HEIGHTS, ILLINOIS THIS 18TH DAY OF
June, 2002.

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VILLAGE PRESIDENT

SEAL:

ATTEST: 
VILLAGE CLERK

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