

§ 118-12. Weeds.

- A. Definition. "Weeds" as used in this section shall include the following: burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milk weed, wild carrot, poison ivy, mild mustard, rough pigweed, lambsquarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock and wild hemp, and all other weeds of a like kind.
- B. Owner required to cut weeds. Every owner of real estate within the City shall cut weeds on his property at all such times as may be necessary so that such weeds shall not exceed eight inches in height. If the owner neglects or refuses to so cut the weeds, the City Street Commissioner shall cause the weeds to be cut on behalf of the City.
- C. Cost of weed cutting to be recorded; notice of lien. If the City Street Commissioner causes the weeds to be cut, a notice of lien of the cost and expenses thereof incurred by the City shall be recorded in the following manner provided in 65 ILCS 5/11-20-7, as amended from time to time. The City or the person performing the service by authority of the City, in its or his own name, may file notice of lien in the office of the Recorder of Deeds of McLean County. The notice of lien shall consist of a sworn statement setting out: (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when the cost and expense was incurred by the City, and shall be filed within 60 days after the cost and expense is incurred. Notice of such lien shall be mailed to the owner of the real estate, provided that failure to file the notice or to mail the notice, or failure of the owner to receive the notice, shall not affect the right to foreclose the lien as provided in Subsection E below.
- D. Payment of cost of weed cutting; release of lien. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed, and the release shall be filed of record in the same manner as filing notice of the lien.
- E. Foreclosure of lien. Real estate subject to a lien for unpaid cutting cost and expenses may be sold for nonpayment of the same (subject to the statutory rights of bona fide purchasers or prior lienors), and the proceeds of such sale shall be applied to pay such costs and expenses, after deducting court costs and legal fees, as in the case of the foreclosure of statutory liens. The City Attorney is directed to institute such foreclosure proceeds, which may be in equity and in the name of the City, in any court of proper jurisdiction, against any real estate for which the cutting costs and expenses have remained unpaid for 60 days after being incurred.

Except as set forth in § 118-14, any person violating any provision of this Chapter 118 shall, upon conviction, be subject to a fine in an amount not to exceed \$750 and the costs of prosecution. Each day that any such violation continues shall be considered as a separate and distinct offense and shall be punishable as such.

7. Editor's Note: This ordinance also redesignated former § 118-15, Penalty, to § 118-16.

F.