

CHAPTER 25
NUISANCES

ARTICLE II – WEEDS OR GRASS

25.08 DEFINITIONS

"Weeds" as used in this Code shall include, but not be limited to the following: Burdock, Rag Weed (giant), Rag Weed (common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds.

25.08.1 OWNER RESPONSIBLE FOR PROHIBITED GROWTH

(A) No owner, occupant, or person in control of any lot, parcel or area within the City, and no agent of such owner or person, shall permit on any such lot, parcel or area within the City any grass or weeds over eight (8") inches in height, or any other unhealthful growths or other noxious matter that may be growing, lying or located thereon.

(B) The height restriction shall not apply to trees, cultivated shrubs, ferns, bushes, flowers, and to ornamental grasses provided that they are not permitted to overhang or encroach onto any public properties. Ornamental grasses shall be no larger than a planting pattern of three (3') foot diameters or a pattern measuring not more than seven (7) square feet.

(C) All exterior property and premises shall be maintained free noxious species of plants. Noxious plants are any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.

(D) This prohibition shall apply to all contractors and builders operating any construction site.

25.09 DECLARED NUISANCE / PROHIBITED GROWTH

It is hereby declared a nuisance and it shall be unlawful for the owner, occupant, or person in control of any lot, parcel or area within the City, and agent of such owner or person, to permit weeds and grass to grow to a height in excess of eight (8") inches.

25.10 NOTICE TO PERSON

(A) First Notice First Notice to the owner, occupant, or person in control of any lot, shall be provided by posting a notice on the subject property that the grass and/or weeds exceed eight (8") inches in height. Such notice shall be posted by the Building/Nuisance Official, or any other designee of the Corporate Authorities. Upon the posting of the notice, the property owner or occupant shall have seventy-two (72) hours to cut the grass and remove the weeds.

(B) FINAL NOTICE Upon failure of compliance with the First Notice, a FINAL NOTICE to the owner, occupant, or person in control of any lot shall be provided by posting a notice on the subject property that the grass and/or weeds exceed eight (8") inches in height. Such notice shall be posted by the Building/Nuisance Official, or any other designee of the Corporate Authorities. Upon the posting of the notice, the property owner or occupant shall have seventy-two (72) hours to cut the grass and remove the weeds.

(C) NO FURTHER NOTICES WILL BE GIVEN upon the issuance of a FINAL NOTICE.

(D) Upon issuance of a FINAL NOTICE to the owner, occupant, or person in control of any lot(s), a copy of the notice shall be forwarded to the City's authorized agent to schedule abatement services.

25.11 SERVICE OF NOTICE

Service of notice provided for herein may be effected by handing of the notice to the owner, occupant, or any member of the household of the age of fifteen (15) years or older, found on the premises, or by mailing such notice to the last known address of the owner. In the event the owner's address cannot be obtained, and the premises are unoccupied, notice may be given by posting the property. In the event the premises are used as a business, service may be obtained by handing the notice to any employee or agent of the business owner.

25.12 ABATEMENT BY THE CITY OF SESSER

Upon the failure, neglect, or refusal of the owner, or person in control to cut, destroy or remove such grasses and weeds within seventy-two (72) hours after the issuance of the FINAL NOTICE, the City, or its authorized agent, may enter upon such real estate and shall cut, destroy or remove the grass and weeds, at a cost of eighty dollars (\$80.00) per mowing.

25.12.1 NOTICE OF ABBATEMENT CHARGES

When grasses and weeds are cut, destroyed or removed by the City, or its authorized agent, the owner or person in control shall be notified in writing of the costs of the cutting, destruction and removal of the grass and weeds. If the costs are not paid within twenty-one (21) days of the date of the notice, a lien for the costs and expense of removal shall be filed in the Office of the Recorder for Franklin County.

25.13 LIEN

All costs incurred for the cutting, destroying or removal of the grasses and weeds by the City, shall be forwarded to the owner of the property for payment. In the event the bill is not paid within twenty-one (21) days of the date of the bill, a notice of lien for the costs and expenses incurred by the City shall be recorded in the Office of the Recorder for Franklin County, Illinois. The notice of lien shall include the following:

- (A) A description of the property sufficient for identification.
- (B) The amount of the cost and expense incurred by the City for removing the garbage, trash and debris.
- (C) The date or dates the costs were incurred by the City.

All liens shall be filed within one hundred eighty (180) days of the date the costs were incurred.

25.14 PAYMENT BY THE OWNER

Notice of such lien claim shall be mailed to the owner of the property if his address is known. Upon payment of the cost and expenses after the notice 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 and recorded in the same manner as filing notice of lien.

25.15 FORECLOSURE OF LIEN

Property subject to a lien for the unpaid removal of grasses and weed charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting cost, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City after the lien in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien. Such action shall be commenced only upon those liens which equal or exceed a total of Five Hundred Dollars (\$500.00) or more, including administrative costs and filing fees.

25.16 PENALTY FOR CHRONIC VIOLATION

Any owner or person in control who is found to be a chronic violator of this Code, be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such in accord with this Article.

- (A) Chronic Violator means an owner, occupant, or person in control of any lot who:
 - 1. Receives a FINAL NOTICE two (2) consecutive months; or
 - 2. Receives a total of four FINAL NOTICES within twelve (12) consecutive months.

ARTICLE III – GARBAGE, TRASH AND DEBRIS

25.25 ACCUMULATION PROHIBITED

(A) It is hereby declared a nuisance and it shall be unlawful for the owner, occupant, or person in control of any lot, parcel or area within the City, and agent of such owner or person, to permit garbage, trash or debris to accumulate on or about their premises or private property.

- (B) This prohibition shall apply to all contractors and builders operating any construction site.
- (C) Also see Chapter 40 Article XX.

25.25.1 DEFINITION

The words “garbage”, “trash”, and “debris” shall be given their common dictionary meaning, and shall include broken toys, lawn mowers, other yard equipment, and household furnishings of any nature.

25.26 NOTICE TO PERSON

First Notice First Notice to the owner, occupant, or person in control of any lot, shall be provided by posting a notice on the subject property for the removal of garbage, trash, or debris. Such notice shall be posted by the Code Enforcement Officer, or any other designee of the Corporate Authorities. Upon the posting of the notice, the property owner or occupant shall have seventy-two (72) hours to remove the garbage, trash, or debris.

(B) FINAL NOTICE Upon failure of compliance with the First Notice, a FINAL NOTICE to the owner, occupant, or person in control of any lot, shall be provided by posting a notice on the subject property for the removal of garbage, trash, or debris. Such notice shall be posted by the Code Enforcement Officer, or any other designee of the Corporate Authorities. Upon the posting of the notice, the property owner or occupant shall have seventy-two (72) hours to remove the garbage, trash, or debris.

(C) NO FURTHER NOTICES WILL BE GIVEN upon the issuance of a FINAL NOTICE.

(D) Upon issuance of a FINAL NOTICE to the owner, occupant, or person in control of any lot(s), a copy of the notice shall be forwarded to the City’s authorized agent to schedule abatement services.

25.27 SERVICE OF NOTICE

Service of notice provided for herein may be effected by handing of the notice to the owner, occupant, or any member of the household of the age of fifteen (15) years or older, found on the premises, or by mailing such notice to the last known address of the owner. In the event the owner’s address cannot be obtained, and the premises are unoccupied, notice may be given by posting the property. In the event the premises are used as a business, service may be obtained by handing the notice to any employee or agent of the business owner.

25.28 ABATMENT BE THE CITY OF SESSER

Upon the failure, neglect, or refusal of the owner, or person in control to remove the garbage, trash or debris within seventy-two hours (72) after the issuance of the FINAL NOTICE, the City, or its authorized agent, may enter upon such real estate and shall remove all garbage, trash or debris, and any expense incurred shall be a charge against the owner.

25.28.1 NOTICE OF ABBATEMENT CHARGES

When garbage, trash or debris is removed by the City, or its authorized agent, the owner or person in control shall be notified in writing of the costs of the removal of the garbage, trash or debris. If the costs are not paid within twenty-one (21) days of the date of the notice, a lien for the costs and expense of removal shall be filed in the Office of the Recorder for Franklin County.

25.30 LIEN

All costs incurred for the removal of the garbage, trash and debris by the City, including fuel cost, employee wages based on the time for transit to and from the property and time on the property, shall be forwarded to the owner of the property for payment. In the event the bill is not paid within twenty-one (21) of the date of the bill, a notice of lien for the costs and expenses incurred by the City shall be recorded in the Office of the Recorder for Franklin County, Illinois. The notice of lien shall include the following:

(A) A description of the property sufficient for identification.

(B) The amount of the cost and expense incurred by the City for removing the garbage, trash and debris.

(C) The date or dates the costs were incurred by the City.

All liens shall be filed within one hundred eighty (180) days of the date the costs were incurred.

25.30 RESERVED

25.31 PAYMENT BY THE OWNER

Notice of the lien shall be mailed to the owner of the premises at his last known address, or to the person or entity which appear on the tax records in the Franklin County Assessor's Office. Upon payment of the costs and expense incurred after the filing of the lien, and costs of recording the lien and release of lien, the lien shall be released by the City by filing a release in the same as the lien.

25.32 FORECLOSURE OF LIEN

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien. Such action shall be commenced only upon those liens which equal or exceed a total of Five Hundred Dollars (\$500.00) or more, including administrative costs and filing fees.

25.33 PENALTY FOR CHRONIC VIOLATION

Any owner or person in control who is found to be a chronic violator of this Code, be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such in accord with this Article.

- (A) Chronic Violator means an owner, occupant, or person in control of any lot who:
1. Receives a FINAL NOTICE two (2) consecutive months; or
 2. Receives a total of four FINAL NOTICES within twelve (12) consecutive months.

**ARTICLE IV
EFFECTIVE DATE AND PUBLISHING OF CODE**

25.34 EFFECTIVE DATE

The provisions of this Chapter shall be effective beginning on the date of approval and adoption by the City Council.

25.35 PUBLISHING OF CODE

This code shall be published within ten (10) days of its enactment as provided by Section 1-2-4 of the Illinois Municipal Code and shall be effective ten (10) days after it is so published.