

ORDINANCE NO. 93-4

AN ORDINANCE CONCERNING ACCUMULATION OF WEEDS AND GARBAGE AND DEBRIS, DEFINING CERTAIN NUISANCES AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STRASBURG, SHELBY COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: TITLE. This ordinance shall be known and may be cited as the "Strasburg Weed, Garbage and Debris Ordinance".

Section 2: ACCUMULATION OF GARBAGE AND DEBRIS. No person shall permit any garbage or debris to accumulate on their premises or private property. Any accumulation of garbage or debris is declared a nuisance and it is unlawful for the owner of said premises to refuse or neglect to remove said garbage or debris.

Section 3: WEEDS DECLARED A NUISANCE. Any weeds, such as jimpsion, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Section 4: HEIGHT. It shall be unlawful for anyone to permit weeds, grass or plants, other than trees, bushes, flowers, garden vegetables or other ornamental plants, to grow to a height of twelve (12) inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared a nuisance.

Section 5: NOTICE TO PERSON. The Village Clerk, upon order of the Board of Trustees of the Village of Strasburg, may issue a written notice for the removal of garbage or debris and for the cutting of weeds or other plants. This garbage or debris shall be removed by the owner and weeds, grass and other plants cut within seven (7) days after such notice has been duly served.

Section 6: SERVICE OF NOTICE. Service of notice as provided herein may be effected by handing the same to the owner of the premises or to any member of their household of the age of thirteen (13) years or older found on the premises, and by mailing such notice to the last known address of the owner; service of notice may also be effected by certified mail with restricted delivery return receipt requested or, in the event that the owner's name or whereabouts are unknown, then by posting on the premises. In the event there are multiple owners, service upon one shall be sufficient.

Section 7: ABATEMENT. If the owner does not abate the nuisance within seven (7) days, the Village may proceed to abate such nuisance and the owner shall promptly pay the Village for the reasonable cost thereof.

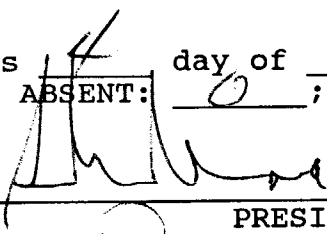
Section 8: LIEN. This cost is a lien upon the real estate affected, superior to all subsequent liens, and encumbrances, except tax liens, if within sixty (60) days after such cost and expense is incurred by the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located. The notice 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 such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the garbage and debris or cutting of weeds and vegetation and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgages, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

Section 9: SEVERABILITY. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, pendent provision and such holding shall not affect the validity of the remaining portions hereof.

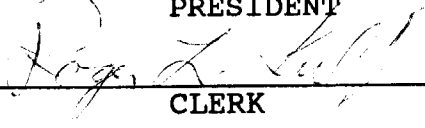
Section 10: REPEAL. All ordinances or portions of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11: EFFECTIVE DATE. This ordinance shall be in full force then (10) days after its publication as provided by law.

PASSED AND APPROVED this 4 day of Oct, 1993.
AYES: 6; NAYS: 0; ABSENT: 0; ABSTAIN: 0.



PRESIDENT

ATTEST: 

CLERK

SEAL