

CITY OF LeROY

ILLINOIS

ORDINANCE NO. 185

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF LeROY

THIS 18th DAY OF July, 19 83.

Published in pamphlet form by authority of the
City Council of the City of LeRoy, McLean County,
Illinois, this 19th day of July,
19 83.

ORDINANCE NO. 185

AN ORDINANCE AMENDING CHAPTER 12 NUISANCES, MUNICIPAL CODE OF LeROY, ILLINOIS (AS AMENDED).

Whereas, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois Municipal Corporation, have determined that it is in the best interests of the city and of the residents of said city to provide for the proper, efficient and prompt removal of grass, weeds or other growth, and of garbage, rubbish, ashes, bulky wastes, brush, construction and demolition wastes and other wastes, all when found from time to time upon private property within the municipal limits of the City of LeRoy, and

Whereas, the Mayor and City Council have determined that it is in the best interests of the city and its residents that such removal be made within a certain designated time by the owner of the property, after which time such removal shall be accomplished by the city if deemed necessary in order to promote the public health, safety and general welfare, and

Whereas, the presence upon land within the corporate limits of the City of LeRoy of grass, weeds, brush or other obnoxious growth exceeding 8 inches in height is hereby declared to be detrimental to the public health, safety and general welfare, and to be a nuisance, and

Whereas, the presence upon land within the corporate limits of the City of LeRoy of accumulated garbage, rubbish, ashes, bulky wastes, brush, construction and demolition wastes is hereby declared to be detrimental to the public health, safety and general welfare, and is declared to be a nuisance,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of LeRoy, Illinois, in lawful meeting assembled:

Section 1. That Section 12.03 ABATEMENT OF PUBLIC NUISANCES. is hereby renumbered Section 12.04; that present Section 12.04 COST OF ABATEMENT. is hereby renumbered Section 12.05; and that present Section 12.05 is hereby repealed, all of Chapter 12 NUISANCES, Municipal Code of LeRoy, Illinois 1975 (as amended).

Section 2. That new Section 12.03 GRASS, WEEDS OR OTHER GROWTH., is hereby adopted, and is in words and figures as follows:

"12.03 GRASS, WEEDS OR OTHER GROWTH - 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 city 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. Any grass, weeds or plants, other than trees, bushes, flowers or other ornamental plants, allowed to grow to a height exceeding 8 inches anywhere in the city, are hereby declared to be a nuisance and it shall be unlawful to permit any such weeds, grass or plants other than those aforesaid to grow to such height in any place within the city. It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European, barberry, also known as barberis vulgaris, or its horticultural varieties, within the city of LeRoy."

Section 3. That new Section 12.04 ABATEMENT OF PUBLIC NUISANCES., of Chapter 12 NUISANCES, Municipal Code of LeRoy, Illinois 1975 (as amended), subsections (b) and (c), are hereby repealed, and new subsections (b) and (c), are adopted in words and figures as follows:

"(b) Abatement of nuisances, consisting of grass, weeds or other growth, or of garbage, rubbish, ashes, bulky wastes, brush, construction and demolition wastes and other wastes, or any nuisance affecting the public health, safety or peace.

1. It shall be the duty of the city clerk, upon receipt of the report of findings of the inspector of premises as required in Section 12.03 (a) to cause a notice to be served, either by certified mail, or in person, upon the owner or occupant of any tract or tracts of real estate within the City of LeRoy, when such tract or tracts are determined to have upon them a nuisance as described previously, to abate said nuisance within 10 days of the date of its receipt. If no owner or occupant may be found after due and diligent inquiry as to the whereabouts of the owner or occupant of such tract or tracts, then the city clerk shall cause a notice to be published in a newspaper of general circulation within the city notifying all owners, occupants or other persons interested in and to any tract or tracts of real estate within the City of LeRoy of the nuisance to be determined to be upon the tract or tracts, and of the demand to abate same. If any owner or occupant of land within the city fails to abate any nuisance from such land within 10 days after the date of receipt of such notice and demand to abate, the city may proceed to abate such nuisance on any private tract or tracts of real estate within the city keeping an account of the expense of the abatement as to each particular lot or tract, and such expense shall be charged and paid by such owner or occupant.

2. If, after giving notice as required in subsection 1, a condition described in the notice remains, the city may remove or cause the removal of the conditions keeping a record of the costs incurred. The city shall charge a \$25.00 fee to cover a portion of the administrative costs incurred. If such conditions remain and are removed from more than one lot within the city, and said lots are owned by the same person, then the city shall charge a \$25.00 fee for the first lot and a \$10.00 fee for each additional lot.

3. The city may charge the owner with the costs so incurred and such costs shall be a lien upon the premises. If the costs or expenses remain unpaid, the city may file a notice of lien in the office of the Recorder of Deeds of McLean County. Such notice shall consist of a sworn statement setting out the following: 1) a description of the real estate, sufficient for identification; 2) the amount of money representing the costs and expenses incurred or payable for the service, and for the administrative fee as previously provided; and, 3) the date or dates when such costs or expenses were incurred by the municipality. This lien shall be superior to all other liens except taxes, provided, however, it shall not be valid as to any purchaser whose right in and to such real estate has arisen subsequent to the date on which such costs were incurred and prior to the filing of such notice, and a lien of the city shall not be valid as to any mortgages, judgment creditors or other lienors whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the costs and expenses by the owner or any other person interested in such property, after the notice of lien has been filed, the lien shall be released

by the city and the release may be filed of record as in the case of filing the notice of lien. The lien may be enforced by proceeding to foreclosure, as provided by law.

(c) Summary Abatement. Abatement of any other nuisance than as set forth in preceding subsection (b) shall be as follows:

1. Notice to owner. If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor may direct the Marshal, or any other city police official, to serve a notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting, or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

2. Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Mayor, Marshal, or the Building Inspector, or some other city official whom the Mayor shall designate, shall cause the abatement or removal of such public nuisance.

(d) Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Mayor, who shall cause an action to abate such nuisance to be commenced in the name of the city if abatement is not accomplished as provided in the preceding subsection (b)."

Section 4. That this ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

PASSED by the Mayor and City Council of the City of LeRoy, Illinois, on the 18th day of July, 1983.

Aldermen elected 6

Aldermen present 5

AYES Gary Buelta, Michael Hanafin, Jon Winston, Michael Hillard, Irwin Moreland

NAYS None

Janita Bagley
City Clerk of the City of LeRoy, Illinois

Approved by the Mayor of the City of LeRoy, Illinois, this 18th day of July, 1983.

John Ross
Mayor of the City of LeRoy, Illinois

ATTEST:

(Seal)
Janita Bagley
City Clerk of the City of LeRoy, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, McLean County, Illinois.

I further certify that on July 18, 19 83, the Corporate Authorities of such municipality passed and approved Ordinance No. 185, entitled:

AN ORDINANCE AMENDING CHAPTER 12 NUISANCES,
MUNICIPAL CODE OF LeROY, ILLINOIS (AS AMENDED),

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 185, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 19, 19 83, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois, this 19th day of July, 19 83.

(seal)

Juanita Dagley
Municipal Clerk