

Chapter 4 PLANTS AND WEEDS

5-4-1: NUISANCE DECLARED:

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 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. (1982 Code § 8-08)

5-4-2: HEIGHT LIMIT:

It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding eight inches (8") anywhere in the village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance. (Ord. 2008-04, 7-1-2008)

5-4-3: BARBERRY BUSHES:

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, further known as *Berberis vulgaris* or its horticultural varieties within the village. (1982 Code § 8-08)

5-4-4: REMOVAL; NOTICE:

It shall be the duty of the chief of police to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this chapter, and to demand the abatement of the nuisance within ten (10) days. (1982 Code § 8-08)

5-4-5: ABATEMENT BY VILLAGE:

If the person so served does not abate the nuisance within ten (10) days, the board of trustees may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant. (1982 Code § 8-08)

5-4-6: LIEN; PROCEDURE:

- A. Lien Claim Filed With County: Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the village clerk may file with the county recorder a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, and the date the weeds were cut, and a notice that the village claims a lien for this amount.
- B. Notice To Property Owner: Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in subsection C of this section.
- C. Foreclosure Of Lien:
1. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment 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 equity in the name of the village.
 2. The village attorney is hereby authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty (60) days after it has been rendered. (1982 Code § 8-08)

5-4-7: PENALTY:

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which

such nuisance continues unabated after ten (10) days from receipt of notice. (1982 Code § 8-08; amd. 2004 Code)