

**VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS**

ORDINANCE #2021-07

“An Ordinance Regulating Excessive Grass or Weed Growth in the Village of Hammond”

**ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS
14th DAY OF April 2021**

**VILLAGE OF HAMMOND
PIATT COUNTY, ILLINOIS
ORDINANCE #2021-07**

**“AN ORDINANCE REGULATING EXCESSIVE GRASS OR WEEDS GROWTH IN
THE VILLAGE OF HAMMOND”**

WHEREAS, the Village of Hammond, Piatt County, Illinois, (hereinafter the “Village”) is a duly established and functioning municipal corporation; and

WHEREAS, the President and Village Board of the Village of Hammond, Illinois have studied the problems of excessive grass or weeds growth on private property in the Village of Hammond, Illinois; and

WHEREAS, the President and Village Board of the Village of Hammond, Illinois believe that there exists a need to regulate excessive grass or weeds for the purpose of protecting the health, safety, and welfare of the residents of the Village of Hammond, Illinois:

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE
BOARD OF THE VILLAGE OF HAMMOND, PIATT COUNTY, ILLINOIS, THAT:**

Section 1: A weed shall be defined as any weed, including, but not limited to, jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like character, found growing on any lot or tract of land in the Village. Weeds 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. The definition of weed shall also include any flower, or other ornamental plant which by reason of its height, size, state of care, potential for spreading, or other particular characteristic, shall present a hazard to the public health and safety.

Section 2: It shall be unlawful to permit weeds to grow in the Village and such weeds are hereby declared a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. 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 anywhere in the Village. Any grass, plants, or weeds exceeding such height are hereby declared to be a nuisance. 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.

Section 3: It shall be the duty of the Village Clerk to serve or cause to be served a notice upon the owner or occupant of any premises on which any grass, weeds, or other plants are permitted to grow in violation of the provisions of this Ordinance and to demand the abatement of the nuisance within 10 days.

Notice shall be deemed to be properly served by:

1. Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
2. Personal service; or
3. Posting of notice upon property.

When the following conditions arise, the Village may proceed with an immediate abatement:

1. Whenever a hazard exists which endangers the public and must be immediately addressed; or
2. Whenever a property has been issued three previous written notices to abate a nuisance within any twelve-month time frame following the adoption of this ordinance, and the property owner has failed to abate the same.

Prior written notice to the property owner shall not be required for immediate abatement. Following immediate abatement, a written notice shall be served upon the property owner describing the situation, actions taken, and penalty and costs incurred.

Nothing in this Ordinance shall be construed so as to limit or detract from the provisions of the laws of the State of Illinois, and the Ordinance shall not be construed so to legalize conditions which are nuisances at common law or to preclude any remedies available at common law or in equity. Nothing in this division shall be construed as relieving any person of responsibility for complying with any state laws pertaining to noxious weeds and control thereof.

Section 4: If the owner or occupant of any premises upon which the Village has cut or caused to be cut any grass, weeds, or other plants shall fail to pay for the reasonable cost thereof, then the Village Clerk shall cause a notice of lien for such cost to be filed in the Office of the Recorder of Deeds of Piatt County, Illinois.

The notice of lien shall be a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date when such cost and expense was incurred by the Village.

Costs and expenses include, but are not limited to, the costs and expenses in time of Village employees or Village authorized contractors concerning the actual abatement of the nuisance, administrative fees, title searches or certifications, and reasonable attorney expenses.

Notwithstanding the aforementioned rights of the Village to abate the nuisance and to seek a lien on the property. Any person violating any of this Ordinance shall be guilty of a violation of this Ordinance and upon conviction shall be fined as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

In addition, notwithstanding any other remedies available to the Village, the Village Attorney may seek a court order that the property owner be ordered to comply with the said Ordinance

and to seek payment of any fines or penalties detailed in this Ordinance or allowable pursuant to law.

Except as otherwise detailed above, all other Ordinances of the Village of Hammond shall retain their current language and remain in full force and effect.

Section 5: Severability: Should any section or provision of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, such decision or order shall not affect the remaining sections and portions of this Ordinance, which shall remain in full force and effect.

Section 6: Effective Date: That this Ordinance shall be in full force and effect forthwith upon its adoption and publication as required by law. All Ordinances of the Village of Hammond in conflict herewith are hereby revoked.

Passed by the Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 14th day of April 2021, by the following roll call vote:

AYES: 5

NAYS: 0

ABSENT: 0

Brenda Sebens

Village Clerk, Village of Hammond
Piatt County, Illinois

Deborah Waldrop

President, Board of Trustees
Village of Hammond, Piatt County, Illinois

State of Illinois)
) ss.
County of Piatt)
Certificate of Publication)

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on April 14, 2021, the Corporate Authorities of such municipality passed and approved Ordinance #2021-07, entitled "An Ordinance Regulating Excessive Grass or Weed Growth in the Village of Hammond", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2021-07, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on April 15, 2021 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 14th day of April 2021.

(SEAL)

Brenda Sebens
Municipal Clerk