

VILLAGE OF WYANET  
ILLINOIS  
ORDINANCE NO. O-4-17-9-12

AN ORDINANCE FOR THE ELIMINATION OF  
WEEDS IN THE VILLAGE OF WYANET

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF  
THE VILLAGE OF WYANET, BUREAU COUNTY, ILLINOIS:

WHEREAS, the Village Board has determined that it is in the best interest of the  
Village and its residents to eliminate tall weeds which contribute to rodents and thereby  
creating a hazard affecting the health of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD  
OF TRUSTEES:

No. 1: DEFINITION:

As used in this ordinance, the word “weeds” includes but is not limited to  
burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain,  
common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lamb’s  
quarter, wild lettuce, curled dock, smartweeds (all varieties), poison hemlock, wild hemp,  
grass over Eight (8) inches in height, and horseweed.

No 2. DUTY TO CUT:

(a) Every owner of real estate within the Village shall cut weeds on his  
property at all such times as may be necessary so that such weeds shall not exceed Eight  
(8) inches in height. If such owner neglects or refuses to cut weeds so that such weeds

shall exceed Eight (8) inches in height, the Village may cut the weeds or authorize some person to cut the weeds on behalf of the Village.

(b) It shall be unlawful for the owner of real estate to refuse or neglect to cut weeds as required in subsection (a).

No. 3 NOTICE OF LIEN:

If weeds are cut by the Village or by a person directed to cut them on behalf of the Village, a notice of lien of the cost and expense thereof incurred by the Village shall be recorded in the following manner: The Village or the person performing the service by authority of the Village, in its name, may file notice of lien in the Office of the Recorder of Deeds in the County in which such real estate is located. The notice of lien 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 Village; and shall be filed within Sixty (60) days after the cost and expense was incurred.

No 4 RELEASE OF LIEN:

Upon the payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record as in the case of filing notice of lien.

No 5 NOTICE TO ABATE:

(a) Whenever any health or building official or inspector, or any police or fire officer, determines that a nuisance exists on any private property or premises, except as

otherwise provided in this ordinance, the proper Village official shall cause a written notice to be served personally upon the owner or, if the owner cannot be found, upon the occupant or person in control of the property or premises who is causing, permitting, or maintaining such nuisance, and shall cause a copy of such notice to be conspicuously posted within or upon such property or premises.

(b) Such notice shall fairly apprise such person of the nature of the nuisance, his duty to abate or remove the nuisance within the time provided therein, the penalty for failure to abate the same, and shall state that, if such nuisance is abated by the Village, liability for necessary expenses so incurred shall accrue as provided for in No. 8 of this ordinance.

No. 6 TIME LIMIT TO ABATE; SEPARATE OFFENSES; PENALTY:

(a) Any person determined to have created, caused, erected, maintained, or permitted a nuisance to exist within the Village shall discontinue and abate such nuisance within Forty-Eight (48) hours or such other time period as may be specified therein, from the time he receives written notice thereof. It shall be unlawful for any person to neglect, refuse, or otherwise fail to comply with the provisions of this subsection shall result in a penalty of \$150.00.

(b) It shall be unlawful for any person to neglect, refuse, or otherwise fail to comply with the provisions of subsection (a), and each Twenty-Four (24) hours, or fraction thereof, during which the nuisance continues or exists shall be deemed a separate offense. Each separate offense shall result in a penalty of \$350.00.



No. 7: ABATEMENT BY VILLAGE:

(a) Whenever any nuisance is not abated by the owner, lessee, or person in control of the premises or property affected within the time provided by notice, the proper Village officer shall cause the abatement or removal of such nuisance.

(b) Whenever any nuisance:

(1) Constitutes or is deemed to be an imminent or immediate danger to the public health or safety; or

(2) Exists on public property; the proper Village officer shall cause such nuisance to be summarily and immediately abated and removed, regardless of any Forty-Eight (48) hour or other time period specified by notice to the person responsible therefore; however, in situation (1) above, such officer shall have first applied for and obtained the written permission of the President for such summary abatement.

No 8: COSTS OF ABATEMENT; DEBT OF OWNER; CIVIL ACTION;

(a) Any costs or expenses of abatement reasonably incurred by the Village pursuant to the provisions of No. 7 of this ordinance shall be deemed a debt to the Village by the owner, lessee, or person in control of the premises upon which such nuisance existed; provided, that where specifically provided in this ordinance or by statute, such costs and expenses shall become a lien upon the real estate or personal property affected, superior to all other liens and encumbrances, except tax liens.

(b) The Village attorney shall enforce by civil action any and all such debts or liens as provided in subsection (a).

No. 9 ORDINANCES REPEALED:

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

No.10: SEPARABILITY:

It is the intention of the Village Board that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village board that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

No.11: EFFECTIVE DATE:

This ordinance shall take effect after its passage and publication as required by law.

Presented, passed, and approved on a roll call vote this 12<sup>th</sup> day of September, 2017.

AYE                      NAY                      ABSENT

Board of Trustees:

Dave Bickett	X
Jim Etheridge, Jr.	X
Marilyn Johnson	X
Joe Law	X
Cory Peterson	X
Jeramie Spears	X



APPROVED:

By: Bruce Hand  
BRUCE HAND  
President

ATTEST:

By: Shelly Teske Shelly Teske, Village Clerk