

THE CITY OF ANNA  
AN ILLINOIS MUNICIPAL CORPORATION

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ORDINANCE NO. 2003 - 5

AN ORDINANCE PASSED BY THE CITY COUNCIL OF ANNA, ILLINOIS,  
DEFINING, DESCRIBING, REGULATING AND PROVIDING FOR THE  
ABATEMENT OF TALL GRASSES/WEEDS WHICH CONSTITUTE PUBLIC  
NUISANCES WITHIN THE CITY OF ANNA, ILLINOIS.

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PASSED, APPROVED AND EFFECTIVE ON

JULY 15, 2003

**ORDINANCE NO. 2003-\_\_\_\_\_**

**AN ORDINANCE PASSED BY THE CITY COUNCIL OF ANNA, ILLINOIS, DEFINING, DESCRIBING, REGULATING AND PROVIDING FOR THE ABATEMENT OF TALL GRASSES/WEEDS WHICH CONSTITUTE PUBLIC NUISANCES WITHIN THE CITY OF ANNA, ILLINOIS.**

**THAT WHEREAS**, Section 11-60-2 of the Illinois Municipal Code empowers and authorizes Illinois municipalities to define, prevent and abate nuisances within their respective jurisdictions; and

**WHEREAS**, Article II of Anna City Ordinance No. 530, passed and adopted on August 17, 1976, is currently in effect and provides the City with a method by which weeds and/or tall grasses may be eradicated as public nuisances within the City of Anna, Illinois; and

**WHEREAS**, said Ordinance has not been revised and/or amended for in excess of twenty-six (26) years; and

**WHEREAS**, due to an increase in the number of complaints received by the Anna City Council concerning property owners who allow weeds and/or tall grasses to go uncut on their property; and

**WHEREAS**, the Anna City Council believes that a more effective Ordinance to deal with this problem and public nuisance is necessary so as to better eradicate and streamline the abatement process for said nuisances, while imposing stricter penalties upon those who choose to violate the City's Ordinance concerning the same.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ANNA, UNION COUNTY, ILLINOIS, AS FOLLOWS:**

The following Ordinance shall be adopted, implemented and enforced in an effort to implement Weed and Tall Grass Control within the City of Anna, Illinois.

**WEED and TALL GRASS CONTROL**

**SECTION 1: DEFINITIONS -**

"Weeds" as used herein shall include, but not be limited to, the following:

A). All noxious weeds as defined by the statutes of the State of Illinois.

B). "Tall grasses" as used herein shall include any and all other grass or growing vegetation which has reached a height exceeding eight (8) inches.

**SECTION 2: NUISANCE/HEIGHT -**

It is hereby declared to be a nuisance and shall be unlawful for the owner(s) or occupant(s) or anyone who has responsibility for any parcel of real estate located within the municipal limits of the City of Anna, Illinois, to allow or refuse and/or neglect to cut weeds and tall grass as defined herein to grow to a height exceeding eight inches (8"). Any such weeds or tall grass exceeding such height are hereby declared to be a public nuisance.

**SECTION 3: NOTICE -**

The Chief of Police, any sworn officers of the Anna Police Department or any other person designated by the City Council may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner(s), occupant(s) or person(s) responsible for the real property within **FIVE (5) DAYS** after such notice has been duly served, without exception for weekends and/or holidays.

**SECTION 4: NOTICE TO ABATE -**

Whenever the Chief of Police, any sworn police officer or other properly designated City representative finds that a nuisance exists, written notice in a form approved the City Council shall be served upon the property owner(s) and/or any other person(s) who have possessory interest in the property in the manner hereinafter provided, ordering that the nuisance be abated within **FIVE (5) DAYS** after service.

Said Notice to Abate shall contain not less than the following:

- A). A description of the nuisance;
- B). A description or permanent parcel index number describing the location of the nuisance;
- C). A statement as to what is expected for the City to consider the nuisance as abated;
- D). The date by which the abatement must be completed to avoid further action and/or penalties;
- E). A statement indicating that the City will abate the nuisance at the owner's expense, and describing the fines, costs and/or expenses, and other penalties which will be assessed by the City if said nuisance is not timely abated.

#### **SECTION 5: SERVICE OF NOTICE -**

Service of the notice provided for herein may be effected by utilizing one or more of the following methods:

- A). By handing the same to the owner(s), occupant(s) or lessee of the premises, or to any member of his/her household of the age of fifteen (15) years or older;
- B). By mailing such notice with proper postage affixed to the last known resident's address of the property owner(s);
- C). By posting a copy of said notice in a conspicuous place upon the premises, provided that said premises are unoccupied and after diligent inquiry, the owners present address cannot be obtained.

**SECTION 6: ABATEMENT -**

A). **FINES.** Failure to abate the nuisance as defined herein after the above-stated notice requirements have been met shall be punishable by a fine of \$250.00 for each offense. Each and every day the nuisance continues unabated after service of notice herein shall constitute a separate offense.

B). **ADDITIONAL ABATEMENT COSTS.** In addition to the fine assessed hereunder, violator(s) shall be liable for any costs which the City incurs in abating the nuisance, with the minimum cost for said abatement to be in the amount of \$250.00, which cost shall be in addition to any fines imposed hereunder. In addition, the violators shall also be liable for reasonable attorney's fees which may be incurred by the City in abating said nuisance and/or prosecuting any citations issued herein.

C). **ABATEMENT BY THE CITY.** If any person or persons fails to abate a nuisance as defined herein after being properly noticed and ordered so to do, or if the nuisance poses an emergency as declared by the Chief of Police or his designate, the City may perform the required action to abate. Any municipal official who is authorized to abate any nuisance shall have authority to engage the necessary assistance and to incur the necessary expense in abating said nuisance. The official who abates said nuisance shall keep an accurate account of the expenses incurred so as to seek reimbursement from the person or persons who caused or is otherwise responsible for said nuisance.

**SECTION 7: REPEAT VIOLATIONS -**

The corporate authorities shall not be required to issue another notice in those

instances where the condition which constituted the nuisance is at first abated, but is later resumed and/or repeated within **THIRTY (30) DAYS** after the abatement of the original nuisance.

**SECTION 8: ENFORCEMENT -**

Charges for any and all weed/grass removal shall constitute a lien upon the premises. A bill and/or statement representing the cost(s) and/or expense(s) incurred by the City in abating said nuisance shall be presented to the owner(s) and/or other person responsible for said nuisance within **TEN (10) DAYS** of its abatement by the City. If said statement and/or bill is not paid within **THIRTY (30) DAYS** of submission of the bill, a notice of discontinuation of utility services shall be served upon the owner, occupant, lessee or other person responsible for the care of the premises, in the same manner as the original notices to abate. If said fines, costs and/or other City expenses are not paid in full within **TEN (10) DAYS** of service of the discontinuation notice, then all City utilities to the premises may be discontinued, in conformity and continuity with the laws of the State of Illinois.

**SECTION 9: LIENS -**

If said fines, costs and/or expenses and penalties remain unpaid, a Notice of Lien of said fines, penalties and expenses incurred by the City shall be prepared and recorded in the Union County Clerk's Office, which Notice shall contain not less than the following information:

- A). A description of the real estate sufficient for identification thereof; and
- B). A listing of the amount of money owed to the City representing the fines, costs, and/or expenses incurred or payable for the violation and/or the

services provided; and

C). A listing of the date or dates when said expenses were incurred by the City.

Said lien(s) shall be filed not later than **SIXTY (60) DAYS** after the costs and/or expenses are incurred by the City and after all other methods of collection as outlined herein have been exhausted.

**SECTION 10: FORECLOSURE OF LIEN -**

Property subject to a lien for unpaid weed and/or grass cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges, fines, costs and/or other expenses incurred by the City, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City and shall occur and be authorized after said lien is in effect for not less than **SIXTY (60) DAYS**.

**SECTION 11: RELEASE OF LIEN -**

Upon the payment of the costs, fines and/or expenses by the owner of, or the person(s) interested in such property after the notice of lien has been filed, the lien provided for by this Ordinance shall be released by the City or person in whose name the lien has been filed, with the release to be filed of record as in the case of the filing of Notice of Lien.

**SECTION 12: REPEALER -**

Article II of Anna City Ordinance No. 530, as passed and adopted on August 17, 1976, is hereby repealed and vacated. All other existing and in effect City Ordinances shall be read, interpreted and construed to not be in conflict with, but be compatible

with this Ordinance.

**SECTION 13: EFFECTIVE DATE -**

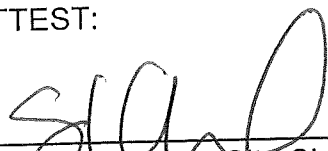
This Ordinance shall become effective and operable in the City of Anna, beginning on and after its passage on July 15, 2003, and shall remain in full force and effect from and after its passage, approval, recording and publication as required by law.

PASSED: July 15, 2003.

APPROVED:   
STEVE HARTLINE, Mayor

<u>RECORD OF VOTE:</u>	<u>YEA</u>	<u>NAY</u>
MAYOR HARTLINE	<u>X</u>	—
COMMISSIONER CROWELL	<u>X</u>	—
COMMISSIONER HUNTER	<u>X</u>	—
COMMISSIONER KELLER	<u>X</u>	—
COMMISSIONER TELLOR	<u>X</u>	—

ATTEST:

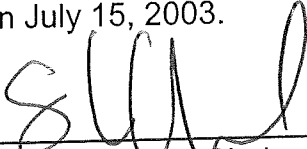
  
STEVE GUINED, City Clerk

(Corporate Seal)



FILED FOR RECORD ON 7-16, 2003.

Published in pamphlet form by authority of the City Council of Anna, Union County, Illinois on July 15, 2003.



STEVE GUINED, City Clerk

**INSPECTION REPORT  
(CITY OF ANNA, ILLINOIS)**

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**PROPERTY INFORMATION:**

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(Address of Violation)

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(Permanent Parcel Index No.)

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**RESPONSIBLE PARTY(S):**

Owner: \_\_\_\_\_ Occupant: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

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**CODE INFRACTIONS** as identified on \_\_\_\_\_, 200\_\_.

1). \_\_\_\_\_ GRASS and WEED GROWTH

2). \_\_\_\_\_ EXTERIOR PREMISES:

Trash \_\_\_\_\_; Litter \_\_\_\_\_; Junk \_\_\_\_\_; Refuse \_\_\_\_\_; Furniture \_\_\_\_\_;  
Appliances \_\_\_\_\_; Bedding \_\_\_\_\_; Tires \_\_\_\_\_; Vehicle Parts \_\_\_\_\_; Building  
Materials \_\_\_\_\_; Landscape Waste \_\_\_\_\_; Other \_\_\_\_\_.

3). \_\_\_\_\_ INOPERABLE VEHICLE

4). \_\_\_\_\_ TREE LIMBS and/or BUSHES

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**ACTION TAKEN:**

Notice Mailed: \_\_\_\_\_ Deadline for Abatement: \_\_\_\_\_

Date of Follow-up Inspection: \_\_\_\_\_, 200\_\_ by: \_\_\_\_\_.

Findings at Follow-up: \_\_\_\_\_

Date Citation Issued: \_\_\_\_\_, 200\_\_ . Court Disposition: \_\_\_\_\_.

Date of Lien: \_\_\_\_\_, 200\_\_. Release Date of Lien \_\_\_\_\_, 200\_\_.

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**VIOLATION NOTICE**  
**(CITY OF ANNA, ILLINOIS)**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_, 200\_\_\_\_.  
PROPERTY ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY NOTIFIED** that a recent visit to your neighborhood has revealed one or more violations of the City's Nuisance Ordinances on your property. As citizens, it is in everyone's best interests that we work together to maintain a safe, healthy and attractive community. Unless otherwise indicated, the violations indicated below must be corrected within **FIVE (5) DAYS** of your receipt of this Notice. Your voluntary cooperation in correcting the indicated problem(s) will be appreciated so as to avoid further action by the City.

DATE INFRACTIONS IDENTIFIED: \_\_\_\_\_, 200 \_\_\_\_.

1). \_\_\_\_\_ GRASS and WEED GROWTH

2). \_\_\_\_\_ EXTERIOR PREMISES:

Trash \_\_\_\_\_; Litter \_\_\_\_\_; Junk \_\_\_\_\_; Refuse \_\_\_\_\_; Furniture \_\_\_\_\_;  
Appliances \_\_\_\_\_; Bedding \_\_\_\_\_; Tires \_\_\_\_\_; Vehicle Parts \_\_\_\_\_; Building  
Materials \_\_\_\_\_; Landscape Waste \_\_\_\_\_; Other \_\_\_\_\_.

3). \_\_\_\_\_ INOPERABLE VEHICLE

4). \_\_\_\_\_ TREE LIMBS and/or BUSHES

Should the above checked item(s) NOT be corrected within the required time period, the Anna Police Department or other designated Anna City employee, agent or official shall issue you a citation, which will result in your appearance in Court and the possible imposition of daily fines, costs and fees, the placement of a lien upon your property, as well as the suspension of your utility service for any unsatisfied liens placed upon your property.

**YOU ARE FURTHER NOTIFIED** that no further notices will be received for the aforementioned violations during this calendar year.

**CITY OF ANNA, ILLINOIS**

By: \_\_\_\_\_  
**POLICE OFFICER or CITY OFFICIAL**