

**ORDINANCE NO.** 0992013

**CITY OF SHAWNEETOWN WEED CONTROL**

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***AN ORDINANCE REGULATING AND CONTROLLING THE GROWTH OF WEEDS AND OTHER POISONOUS OR HARMFUL VEGETATION IN THE CITY OF SHAWNEETOWN, ILLINOIS, PROVIDING FOR THE REMOVAL THEREOF, AND ASSESSING OF COSTS THEREFORE, AND FOR PENALTIES FOR VIOLATIONS THEREOF.***

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WHEREAS, the provisions of 65 ILCS 5/11-20-1, et seq, and in particular, 65 ILCS 5/11-20-6 and 11-20-7 authorize the City of Shawneetown to regulate, prohibit and provide for the removal of nuisance weeds and greenery, and the City Council has determined that it should do so in the interests of the residents of the City;

**THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, acting through its Mayor and City Council or Board of Aldermen, does hereby PASS, DECLARE and ORDAIN:**

**Section 1. CUTTING AND REMOVING OF GRASS, WEEDS AND OTHER POISONOUS OR HARMFUL VEGETATION**

It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City of Shawneetown to permit or maintain on any such lot or land any growth of brush, grass, or any other vegetation to a height greater than 10 inches on the average or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grown on any such lot or land.

**Section 2. DUTY OF OWNER, LESSEE OR OCCUPANT**

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut or removed by lawful means all such brush, weeds, grass or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Section 1, above.

### **Section 3. WHEN CITY TO DO WORK**

If the provisions of the foregoing sections are not complied with, the City Council/Board of Aldermen shall serve or cause to be served either personally, or by regular mail, written notice upon the owner, lessee, or occupant or any person having the care or control of any such lot or land to comply with the provisions of this Ordinance. If the person upon whom the notice is served fails to cut, remove such weeds, grass or other vegetation within ten (10) days after mailing or personal service of such notice, or if no owner can be found of such lot, the City Council/Board of Aldermen shall cause such weeds, grass, or other vegetation to be removed and the actual cost of such cutting or removal shall be certified by the City Council/Board of Aldermen and shall become a lien upon the property on which such weeds, grass, or other vegetation were located, and shall be assessed and collected in the same manner provided by law for collection of taxes.

### **Section 4. EXEMPTIONS**

Exempted from the provisions of this Ordinance are flower gardens, plots of shrubbery, vegetable gardens, small grain plots and agricultural crops. An exemption under the terms of this Ordinance cannot be claimed unless the land has been subjected to horticultural operations.

### **Section 5. PENALTY**

a. *Municipal Infraction.* A violation of this Ordinance shall be a municipal civil ordinance violation or infraction punishable as follows:

- i. First violation: \$100 fine
- ii. Second violation within a two (2) year period: \$200 fine
- iii. Third or subsequent violation within a two (2) year period \$500 fine.

In addition to the above prescribed civil fines, reasonable costs may be assessed by and in favor of the City.

b. *Abatement of Violation.* In addition to, or in lieu of, enforcing this Ordinance by issuance of municipal civil ordinance violation or infraction(s), the City may institute an appropriate action in the Circuit Court of Gallatin County, Illinois seeking equitable relief, which shall include, but not limited to, an order to abate the nuisance, and all other remedies appropriate under the provisions of 65 ILCS 5/11-20-1, et seq, and in particular, 65 ILCS 5/11-20-6 and 11-20-7, which said provisions are adopted herein by reference.

### **Section 6. DEFINITION**

The word "person" as used in this Ordinance shall mean and include persons, corporations, partnerships, associations, joint stock companies, societies, limited liability companies and all other entities of any kind capable of being sued.

**Section 7. SEVERABILITY**

Should any provision or section of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 8. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and publication in accordance with law. This Ordinance may be published in pamphlet form, and made available for distribution to the public.

YEAS: 6 June Rushing, Steve Wood, Kay Raymer, Brenda Hirsch, Lisa Smith  
Brandon Vickery

NAYS: 0

THIS ORDINANCE ADOPTED ON SEPTEMBER 9, 2013.



Mayor

City of Shawneetown

Attest:



City Clerk

City of Shawneetown



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**CERTIFICATE OF ADOPTION**

**I, Nancy Larkin, the duly elected Clerk of the City of Shawneetown certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the City Council/Board of Aldermen of the City of Shawneetown on September 9, 2013.**

*Nancy Larkin*

Nancy Larkin

City Clerk, City of Shawneetown