

ORDINANCE 31

An Ordinance to promote the health, safety, and welfare of the residents of the Village of Newberry for controlling nuisance grasses and noxious weeds.

Section 31:1 WEEDS-DECLARED A NUISANCE 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.

Section 31:2 HEIGHT 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 twelve inches anywhere in the village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

Section 31:3 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 Ordinance and to demand the abatement of the nuisance within ten days.

Section 31:4 ABATEMENT If the person so served does not abate the nuisance within 10 days the Village of Newberry may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charges and paid by such owner or occupant.

Section 31:5 LIEN Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the clerk may file with the recorder of deeds of Luce County 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 city claims a lien for this amount.

Notice of such lien claim shall be mailed to the owner of the premises if his address is known.

The failure of the clerk to record such lien claim, 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 the following section. Notice of the lien must be mailed to the recorded owner first class, postage paid, prior to foreclosure.

Section 31:6 FORECLOSURE OF LIEN 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 statutory liens. Such foreclosure shall be in equity in the name

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of the Village.

The Village Attorney is hereby authorized and directed to institute such proceeding, in the name of the Village, in any Court having jurisdiction over matter, against any property for which such bill has remained unpaid sixty days after it has been rendered.

Section 31:7 ENFORCEMENT The Newberry Village Police Department shall enforce this Ordinance on either of the following conditions:

Section 31:7.1 A complaint is received from the public.

Section 31:7.2 The Officer has reasonable suspicion that there is a danger to the health or safety of any person because of the violation.

Section 31:7.3 Nothing in this section shall be considered as creating a cause of action for money damages against any unit of government, or any of their agencies, or instrumentalities, or employees.

Section 31:7.4 The failure to comply with this section shall not be grounds for any defendant to object to the enforcement of this Ordinance.

Section 31:8 SEVERABILITY The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

Section 31:9 PUBLICATION AND EFFECTIVE DATE The clerk shall cause a copy of this Ordinance to be published in the Newberry News within 15 days and further shall make copies of this Ordinance available for public inspection at the Village Offices located in the **NEWBERRY WATER & LIGHT BUILDING**.

This Ordinance shall be effective twenty (20) days after adoption.
(June 3, 1991).

Approved, re-enacted in part, amended and adopted this 13th day of May, 1991.

Robert Cameron
Robert Cameron, President

Janice Galor
Janice Galor, Village Clerk

ADOPTION HISTORY:

Introduce:
Adopted:
Effective:

CERTIFICATE

I hereby certify as Clerk of the Village of Newberry, that a copy of the above Ordinance was published by me in the Newberry News on the 22nd day of May, 1991, in the Village of Newberry and have attached a copy of said Ordinance together with a Printer's Affidavit to this Certificate.

Dated: 5-22-91

Janice Galor
Janice Galor, Village Clerk

Seal:

Distribution:

One (1) copy (signed) should be retained by the Clerk.
One (1) copy (signed) should be returned to the Village Attorney.

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