

## 8.28 – Plants and Weeds

### Sections

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### **8.28.010 – Nuisance declared**

Any weed such as jimson, burdock, ragweed, thistle, cockleburr, or other weeds of a like kind found growing in any lot or tract of land in the city, are declared to be a nuisance, and it is unlawful to permit any such weeds to grow or remain in any such place.

(Prior code : § 27.401)

### **8.28.020 – Height limit**

It is 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 city; any such plants or weeds exceeding such height are declared to be a nuisance.

(Prior code : § 27.402)

### **8.28.030 – Barberry bushes prohibited**

It is a nuisance and unlawful to plant or permit the growth or the bush of the species of tall, common or european barberry, further known as *Barberis vulgaris* or its horticultural varieties within the city.

(Prior code : § 27.403)

### **8.28.040 – Abatement notice - Service**

It shall be the duty of the director of public works to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within three days.

(1981-M-11 : § 1 (part))

### **8.28.050 – Abatement by City - Cost assessment**

If the person so served does not abate the nuisance within three days, the director of public works may proceed to abate such nuisance, keeping an account of the expense of the abatement at the rate of seventy-five dollars per hour with a minimum charge of seventy-five dollars, and the expense shall be charged and paid by such owner or occupant. Before January 1, 1992, the rate shall be fifty dollars per hour with a minimum charge of fifty dollars.

(1991-M-64 : § 1; 1981-M-11 : § 1 (part))

**8.28.060 – Lien - Claim filed by City Clerk - Notice to Owner**

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 Kane County a statement of liens claims. This statement shall contain a legal description of the premises, the expenses and cost incurred and the date the weeds were cut, and a notice that the city claims a lien for this amount. Notice of such lien claims shall be mailed to the owner of the premises if his address is known; provided, however, that failure of the clerk to record such lien claim or to mail such notice, 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.

(Prior code : § 27.406)

**8.28.070 – Lien - Foreclosure**

- A. 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 of statutory liens. Such foreclosure shall be in equity in the name of the city.
- B. The city attorney is authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty days after it has been rendered.

(Prior code : § 27.407)

**8.28.080 – Violation - Penalty**

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after ten days from receipt of notice.

(Prior code : § 27.408)