

ORDINANCE NO. MC-1077

AN ORDINANCE AMENDING SECTION 20-87 OF THE HOMEWOOD MUNICIPAL CODE UPDATING THE PROCEDURE FOR PREPARING AND RECORDING LIENS WHEN THE VILLAGE CUTS GRASS OR REMOVES NUISANCE VEGETATION FROM PRIVATE PROPERTY

WHEREAS, Section 11-20-7 (65 ILCS 5/11-20-7) of the Illinois Municipal Code (“the Code”) authorizes a municipality to remove nuisance greenery from private property if the property owner, after reasonable notice, refuses or neglects to remove the nuisance greenery; and

WHEREAS, Section 11-20-7 of the Code authorizes a municipality to recover its reasonable removal costs for removing nuisance greenery by recording a lien against the underlying property; and

WHEREAS, Section 11-20-15 of the Code details the requirements for a municipality to perfect such a lien; and

WHEREAS, Section 20-87 of the Homewood Municipal Code codifies the local procedures for recording liens against private property for nuisance greenery removal; and

WHEREAS, the Board of Trustees of the Village of Homewood find it necessary to update Section 20-87 to conform local lien procedures with the Code.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois:

**SECTION ONE - AMENDMENT TO THE HOMEWOOD MUNICIPAL CODE:**

Section 20-87 of the Homewood Municipal Code is amended as follows (additional language underlined, deleted language ~~stricken~~):

**Sec. 20-87. - Cost of vegetation cutting, trimming, or removal to be recorded; notice of lien.**

- (a) If the code enforcement official causes grass, weeds, trees, or plants to be cut, trimmed, or removed as provided in this division, a notice of lien of the cost and expense incurred by the village shall be recorded as provided in 65 ILCS 5/11-20-7 and 65 ILCS 5/11-20-15. The village, or the person performing the service by authority of the village, shall

within ~~60 days~~ one year after the removal cost is incurred ~~thereafter file record~~ a notice of lien in the office of the ~~county recorder of deeds~~ Cook County Clerk. 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, to include recording charges for the lien and a release of lien;
  - (3) The date ~~when such cost and expense~~ the removal cost was incurred by the village.
- (b) In addition to filing a notice of lien with the ~~recorder of deeds~~ Cook County Clerk, notice of such lien also shall be personally served on or sent by Certified Mail to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. Every lien recorded pursuant to this section shall include an additional charge in an amount as provided on the village fee schedule to recover the costs expended by the village in preparing the lien, plus the actual recording cost as determined by the ~~county recorder of deeds~~ Cook County Clerk.

**SECTION TWO - EFFECTIVE DATE:**

This ordinance shall be in full force and effect after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 12<sup>th</sup> day of December, 2023.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_