
Sec. 13-355. Weeds.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Weeds means and includes, but is not limited to, burdock, giant ragweed, common ragweed, thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lamb's-quarters, wild lettuce, curled dock, all varieties of smart weeds, poison hemlock, wild hemp, all overgrowth, underbrush, all grasses, annual plants and vegetation. However, the term "weeds" shall not include cultivated crops, trees, shrubs, flowers, gardens, and dedicated prairie grass acres.

- (b) *When weeds required to be cut.* It is unlawful for any person owning, leasing, occupying or controlling any plot of ground to refuse or neglect to cut all weeds thereon when the weeds have reached a height in excess of 12 inches. All weeds, however, shall be cut by the owner, lessee, tenant, occupant, or person in control of the plot of ground upon which the weeds are located at least two times per year, once between May 1 and June 30 and once again between the July 1 and August 31.
- (c) *Authority of village to cut weeds.* If any owner, lessee, tenant, occupant, or person in control of the plot of ground upon which weeds are located neglects or refuses to cut weeds in accordance with this section, the village may cut the weeds or authorize some person to cut the weeds on behalf of the village.
- (d) *Recording of lien.* If weeds are cut by the village or by some person directed to cut them on behalf of the village, a notice of lien of the cost and expense thereof incurred by the village shall be recorded and shall include the following information:
- (1) A description of the real estate sufficient for identification thereof;
 - (2) The amount of money representing the expenses incurred or payable for the service;
 - (3) The date or dates when the expenses were incurred by the village; and
 - (4) The notice of lien shall be filed within 60 days after the expenses are incurred.
- (e) *Prior rights.* The lien of the village shall not be valid as to any purchaser whose rights in and to the real estate have arisen subsequent to the weed-cutting and prior to the filing of the notice, and the lien of the village shall not be valid as to any mortgagee, judgment creditor or other lien or whose rights in and to the real estate arise prior to the filing of the notice.
- (f) *Release of lien.* Upon payment of the expenses after the notice of lien has been filed pursuant to this section, the lien shall be released by the village or the person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.
- (g) *Foreclosure of property.* Property subject to a lien for unpaid weed-cutting charges shall be sold for nonpayment of the same, and the proceeds of the sale will be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. This foreclosure shall be in equity in the name of the village. The village attorney shall institute the proceedings, in the name of the village, in any court having jurisdiction over the matter, against any property for which the bill has remained unpaid 60 days after it has been rendered.

(Prior Code, § 9-34; Code 2007, § 134.07; Ord. No. 1999-49, 6-1-1999)