

CHAPTER 25 – NUISANCES

Article I – Weeds

25-1-1 Weed Control Department Established. Pursuant to the Illinois Noxious Weed Law, (505 ILCS 100/1) the Jefferson County Board does hereby establish the Weed Control Department of Jefferson Count. The Land, Tax and Appointment or the Weed Superintendent shall execute the requirements and duties of this Article. Said Superintendent shall be appointed by the Board at a regular meeting, subsequent appointments shall be made at the annual meeting.

25-1-2 Definitions. “Weeds” as used in this Article shall include all weeds determined to be noxious by the Illinois Compiled Statutes and applicable rules and regulations thereunder and vegetation not covered by the Illinois Compiled Statutes, but which serve as a breeding place for mosquitoes and rodents, are a menace to health and are hereby declared to be a public nuisance. Landscape, shrubbery and ornamental plants are exempt when properly maintained; but not be limited to the following: Thistly, Poison Hemlock, Wild Hemp, Johnson Grass, and all other noxious weeds.

25-1-3 Nuisance. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate in a subdivision of an unincorporated area or in an area wherein a group of adjacent homes are built on less than five acre tracts, to refuse or neglect to cut weeds when such weeds shall have reached a height in excess of eighteen (18) inches.

25-1-4 Notice. The Weed Superintendent may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within five (5) days after such notice has been duly served.

25-1-5 Service of Notice. Service of the Notice provided for herein may be effected by handling the same to the owner, occupants or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner’s address cannot be obtained then the notice may be service by posting the same upon the premises.

25-1-6 Abatement. If the person so served does not abate the nuisance within five (5) days, the County Weed Superintendent may proceed to abate such nuisances, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-1-7 Lien. Charges for such weed removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the County shall be recorded in the following manner:

The County, or the person performing the service by authority of this County, in its or his own name, may file notice of lien in the office of the Recorder of Deeds of Jefferson County, Illinois. 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 services.

(3) The date or dates when said cost and expense was incurred by the County and shall be filed within sixty (60) days after the cost and expense is incurred.

25-1-8 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of the lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-1-9 Foreclosure of Lien. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment 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 lines. Such foreclosure shall be in the name of the County after lien is in effect sixty (60) days.

(See Illinois Compiled Statutes Chapter 55)

Article II - Dangerous Buildings

25-2-1 Definitions. The term “Dangerous Buildings” as used in this Chapter is hereby defined to mean and include:

(A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid the spread of disease, or injury to the health of the occupants of it or neighboring structures;

(B) Any building, shed, fence, or other man-made structure, which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall or any part of such structure;

Any such dangerous building in the unincorporated area of the County is hereby declared to be a nuisance.

25-2-2 Prohibition. It shall be unlawful to maintain or permit the existence of any dangerous building in the County; and it shall be unlawful for the owner, occupant, or person in the custody of any dangerous building or permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

25-2-3 Abatement. Whenever the Code Enforcement Officer shall be of the opinion that any building or structure in the County is in a dangerous condition, he shall file a written statement to this effect with the County Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by certified mail, or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following terms:

“To _____ (owner-occupant of premises) of the premises known and described as _____.

“You are hereby notified that _____ (Describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____.

“The causes for this decision are _____

(here insert the facts as to the dangerous condition)

“You must remedy this condition or demolish the building immediately, or the County will proceed to do so.”

If the person receiving notice has not complied therewith, or taken an appeal from the determination of the officer or employee that a dangerous building exists, within the ten (10) days from the time when this notice is served upon such person by personal service or certified mail, the Code Enforcement Office, upon orders of the County Board, may proceed to remedy the condition or demolish the dangerous building. (55 ILCS 5/5-1121)

Article III – Garbage and Debris

25-3-1 Accumulation Prohibited. No person shall permit any garbage to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 Notice to Person. The Sheriff or his designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within ten (10) days after such notice has been duly served.

25-3-3 Service of Notice. Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises or to any member of his household of the age of fifteen (15) years or older, found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 Abatement. If the person so served does not abate the nuisance within ten (10) days the County may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-3-5 Lien. Charges for such removal shall be a lien upon the premises. A bill representing the cost and expenses incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the County shall be recorded in the following manner:

- (1) A description of the real estate sufficient for identification thereof.
- (2) The amount of money representing the cost and expenses incurred or payable for the service.
- (3) The date or dates when the costs were incurred by the County.

25-3-6 Payment. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 Foreclosure of Lien. Property subject to a lien for unpaid charges shall be sold for non-payment 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 the name of the County, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien.

25-3-8 Penalty. Any person found guilty of violating the provisions of this Article shall, in addition to the penalties provided, upon conviction, be fined not less than one hundred (100) dollars, nor more than five hundred (500) dollars for each violation. Each day a violation continues after notification constitutes a separate offense. (55 ILCS 5/5-1118)