

Chapter 22

OFFENSES AND NUISANCES

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ARTICLE I. IN GENERAL**Sec. 22-1. State criminal law adopted.**

The village adopts the provisions of the Criminal Code of 2012, 720 ILCS 5/1-1 et seq., to the extent those provisions are applicable to and within the jurisdiction of the village, and except those provisions specifically preempted by the state.

Sec. 22-2. Violations and penalties.

Unless otherwise specifically provided in this chapter or required by state law, any person violating any provision of this chapter, including the state law provisions adopted by reference in section 22-1, shall be fined in accordance with the general penalty provisions of this Code for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1981, § 19-27; Ord. No. 715, 3-4-2003)

Sec. 22-3. Injury to public property.

It is unlawful for anyone to injure, deface or interfere with any property belonging to the village without proper authority from the president and board of trustees.

(Code 1981, § 7-7-6)

Sec. 22-4. Throwing or placing articles on public ways and in public places.

It is unlawful to cast, throw or propel any missile on any street, alley or public place; and it is unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street, sidewalk or alley in the village.

(Code 1981, § 19-6)

Sec. 22-5. Definitions; public indecency.

(a) 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:

Public place means any place where the conduct may reasonably be expected to be viewed by others.

(b) Public indecency is prohibited. Public indecency occurs when a person of the age of 17 years or older in a public place engages in sexual intercourse, deviant sexual conduct, lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person, or lewd fondling or caress of the body of another person of either sex.

(Code 1981, § 19-3)

Sec. 22-6. Posting bills.

It is unlawful to post any bills or advertisements on any public property without the authority of the president and board of trustees; and it is unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

(Code 1981, § 19-10)

Sec. 22-7. Discharge of firearms.

It is unlawful to discharge any firearms or air gun in the village, provided that this section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, nor to any citizen to discharge a firearm when lawfully defending his person or property.

(Code 1981, § 19-9)

Sec. 22-8. Aiding police.

Any police officer of the village may, at any time, call upon any able-bodied male person, above the age of 21 years, to aid him in arresting or taking into custody any person guilty of having committed any unlawful act, or charged therewith, or aid such officer in preventing the commission of any unlawful act. It is unlawful to refuse or neglect to give such aid or assistance, when so requested.

(Code 1981, § 6-13)

Sec. 22-9. Resisting arrest; hindering police; aiding prisoners to escape.

It is unlawful for any person to resist any member of the police force in the discharge of his duty, or to in any way interfere with or prevent him from discharging his duty, or endeavor to do so; and in any manner to assist any person in the custody of any member of the police force to escape or attempt to escape from such custody.

(Code 1981, § 6-14)

Sec. 22-10. Noises.

(a) It is unlawful to make or cause to be made any unnecessary noise or sounds of volume of such a nature as to tend to cause annoyance to residents of the village.

(b) It is unlawful to operate any pneumatic hammer, grinding or crushing machine, mixing or leading machine, or any other machine, equipment or device in the village which makes or causes a noise in violation of any of the provisions of this section.

(Code 1981, § 19-18)

Sec. 22-11. Fuel tanks.

It is unlawful to install or maintain any fuel oil, gas or liquid gas tanks in the village unless such tank and all equipment connected therewith is installed and maintained in accordance with the rules of the state fire marshal or of any other state agency having jurisdiction thereof.

(Code 1981, § 19-19)

Sec. 22-12. Abandonment of refrigerators or iceboxes in places accessible to children.

It is unlawful to discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of 1½ cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or being the owner, lessee, or manager of such place, to knowingly permit such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition.

(Code 1981, § 19-20)

Sec. 22-13. Curfew for minors.

(a) *Established; hours.* It is unlawful for any person of less than 18 years of age to be present at or upon any public assembly, building, place, street or highway in the village at the following times unless accompanied by a parent, legal guardian or other responsible companion at least 21 years of age unless engaged in a business or occupation which the laws of the state authorize a person less than 18 years of age to perform:

- (1) Between 12:01 a.m. and 6:00 a.m. on Saturdays;
- (2) Between 12:01 a.m. and 6:00 a.m. on Sundays; and
- (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(b) *Permitting curfew violation.* It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the provisions of subsection (a) of this section.

(c) *Detaining child.* Each member of the police force, while on duty, is authorized to detain any person willfully violating this section until the parent or legal guardian of the child shall take him or her into custody; but such officer shall, immediately upon taking custody of the child, communicate with the parent or legal guardian.

(Code 1981, §§ 18-1-1—18-1-3)

Secs. 22-14—22-44. Reserved.

ARTICLE II. CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA**Sec. 22-45. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cannabis, cannabis concentrate, cannabis flower and cannabis-infused product are defined as the words are defined in 410 ILCS 705/1-10, part of the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq.

Controlled substance shall have the meaning ascribed to it in 720 ILCS 570/102, part of the Illinois Controlled Substance Act, 720 ILCS 570/10 et seq. The term "controlled substance" shall not include cannabis, cannabis concentrate, cannabis flower and cannabis-infused product.

Cannabis business establishment means a cultivation center, craft grower, processor, processing organization, infuser, infuser organization, dispensing organization, or transporter, transporting organization, or a business establishment which allows on-premises use or consumption of cannabis.

Cannabis craft grower means a facility operated by an organization or business that is licensed by the state department of agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., and regulations promulgated thereunder.

Cannabis cultivation center means a facility operated by an organization or business that is licensed by the state department of agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., and regulations promulgated thereunder.

Cannabis dispensing organization means a facility operated by an organization or business that is licensed by the state department of financial and professional regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., and regulations promulgated thereunder.

Cannabis infuser organization or infuser means a facility operated by an organization or business that is licensed by the state department of agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., and regulations promulgated thereunder.

Cannabis processing organization or processor means a facility operated by an organization or business that is licensed by the state department of agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., and regulations promulgated thereunder.

Cannabis transporting organization or transporter means an organization or business that is licensed by the state department of agriculture to transport cannabis on behalf of a

cannabis business establishment or a community college licensed under the community college cannabis vocational training pilot program, per the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., and regulations promulgated thereunder.

Deliver or delivery means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

Drug paraphernalia has the meaning provided in the Illinois Drug Paraphernalia Control Act, 720 ILCS 600 et seq.

THC means tetrahydrocannabinol.
(Ord. No. 861, exh. A(18-7-1), 12-17-2019)

Sec. 22-46. Drug paraphernalia possession, use or sale prohibited.

(a) Any person who keeps for sale, offers for sale, sells, transfers, or delivers for any commercial consideration any item of drug paraphernalia commits an offense.

(b) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use, commits an offense.

(c) A person under the age of 21 who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis, cannabis concentrate, cannabis flower and cannabis-infused product or a controlled substance into the human body, or in preparing a controlled substance for that use, commits an offense.
(Ord. No. 861, exh. A(18-7-3(A), (B)), 12-17-2019)

Sec. 22-47. Transportation of cannabis, controlled substance, or drug paraphernalia prohibited.

It is unlawful for a driver to knowingly transport, carry, possess, or have more than 30 grams of cannabis flower, or five grams of cannabis concentrate, or more than 500 milligrams of THC contained in a cannabis-infused product, a controlled substance, or drug paraphernalia within any motor vehicle upon a public street or public property in the village, except a cannabis transporting organization or transporter as provided in section 410 ILCS 705/40-25, part of the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq.
(Ord. No. 861, exh. A(18-7-4), 12-17-2019)

Sec. 22-48. Possession, use, sale, and transportation of cannabis and related products prohibited.

(a) No person shall knowingly do any of the following:

- (1) Consume cannabis, cannabis concentrate, cannabis flower and cannabis-infused product in any public place, including parks, public roads, streets, alleys, sidewalks, walkways, pedestrian paths, grassy boulevards, or other rights-of-way, public buildings, libraries, schools, village offices or facilities, or any place of business or commerce generally open to the public;

- (2) Possess in any public place more than 30 grams of cannabis flower, or five grams of cannabis concentrate, or more than 500 milligrams of THC contained in a cannabis-infused product;
- (3) Consume, or aid, abet, or assist consumption of cannabis at or within any business establishment regardless of the method or manner of consumption, or allow such consumption in a business establishment under such person's ownership, supervision or control; or
- (4) Transfer, deliver, or cause the transfer or delivery, or allow, aid, abet, or assist transfer or delivery, or allow transfer or delivery within a premises within the village under such person's ownership, supervision or control, any cannabis, cannabis concentrate, cannabis flower or cannabis-infused product, to any person under the age of 21 years, regardless of remuneration.

(b) In determining intent under this section, the trier of fact may take into consideration the proximity of the controlled substances to drug paraphernalia, or the presence of a controlled substance on the drug paraphernalia.

(Ord. No. 861, exh. A(18-7-3), 12-17-2019)

Sec. 22-49. Cannabis business establishments prohibited; violation constitutes nuisance.

(a) Pursuant to the authority granted to the village in section 410 ILCS 705/55-25, part of the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., cannabis business establishments are prohibited within the village.

(b) No person shall locate, operate, own, suffer, allow to be operated, aid, abet, or assist in the operation of a cannabis business establishment at any location within the village, at any time.

(c) Any person who locates, operates, owns, suffers, aids or abets the operation of, or allows such operation in premises under such person's ownership, supervision, or control, commits an offense.

(d) Operation within the village of any prohibited cannabis business establishment or any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration, in violation of the provisions of this article, is declared a public nuisance and shall be abated pursuant to all available remedies.

(Ord. No. 861, exh. A(18-7-5—18-7-7), 12-17-2019)

Secs. 22-50—22-71. Reserved.

ARTICLE III. NUISANCES**DIVISION 1. GENERALLY****Sec. 22-72. Inspection and investigation.**

When an existence of a public nuisance is brought to the attention of the police chief, he shall cause an inspection and investigation to be made by the appropriate agencies to determine whether removal is necessary.

(Code 1981, § 17-2-1)

Sec. 22-73. Notice to abate.

(a) The police chief shall, after inspection and investigation under the provisions of section 22-72, cause a notice in writing to be served upon the person who is responsible for the existence of the nuisance. If personal service of the notice cannot be made, then such notice shall be left at the residence or usual place of business of the person found to be responsible.

(b) The notice shall indicate the date of the inspection and investigation, and the hours and location when the inspection was made. The notice shall set forth what the nuisance consists of and indicate the abatement or remedy required.

(Code 1981, § 17-2-2)

Sec. 22-74. Failure to abate after notice; abatement by village; cost.

After the expiration of five days from the time the notice is served, if the nuisance is not abated or other remedy made as required, it shall be done under the direction of the police chief, and the cost of so doing shall be collected from the person who is responsible for the nuisance in a court of competent jurisdiction.

(Code 1981, § 17-2-3)

Sec. 22-75. Abatement by village of nuisance on village property without notice.

The police chief, after inspection and investigation under section 22-72, shall have the power to abate any nuisance, or to cause the removal of property or refuse accumulations on village property without notice to the owner thereof. Any deposit of property or refuse accumulations on village property, streets or sidewalks shall be deemed abandoned property. The police chief may direct the disposition or destruction of such property and the person responsible shall be liable to the village for any costs incurred which may be recoverable in a court of competent jurisdiction and liable for any penalty under the provisions of this article.

(Code 1981, § 17-2-4; Ord. No. 640, 11-2-1993)

Sec. 22-76. Abatement by village of personalty having value.

(a) After the expiration of five days from the time the notice is served, or at any time without notice if on village property, if the nuisance is not abated or other remedy made as required and involves the disposition of items of personally having value, then the village may remove the material to a location of its selection, the expenses therefor to be billed to the person responsible.

(b) When any of the materials have been removed and placed in storage by the village, as provided herein, the materials shall be sold by the village, if the same are insufficient to pay the costs of abatement, the person responsible shall be liable to the village for the balance of the costs to be recoverable in a court of competent jurisdiction. If the proceeds are in excess of costs, the balance shall be paid to the person responsible or deposited into the village treasury for his use.

(Code 1981, § 17-2-5; Ord. No. 640, 11-2-1993)

Sec. 22-77. Abatement in case of emergency.

If a nuisance constitutes an emergency, the time for abatement may be reduced by the police chief in the notice which specifies that the emergency exists.

(Code 1981, § 17-2-6)

Sec. 22-78. Abatement when responsible person unknown.

When any nuisance, or anything likely to become a nuisance, may be found upon any premises, and the person causing such nuisance is unknown or cannot be found, the owner, agent or occupant of the premises shall be notified by the police chief to abate the same. If such owner, agent or occupant, whose duty it is made to abate such nuisance, shall not promptly comply with such notice, he shall be subject to the penalty provided in this article.

(Code 1981, § 17-2-7)

Sec. 22-79. Nuisances generally; enumeration of particular nuisances not exclusive.

The various nuisances described and enumerated in this article shall not be deemed to be exclusive but shall be in addition to all other nuisances and prohibited by this Code. Nuisances prohibited under this article include, but are not limited to, the following:

- (1) *Interference with peace or comfort.* Sounds, animals or things which interfere with the peace or comfort or disturb the quiet of any person in the village shall constitute a public nuisance.
- (2) *Offensive, nauseous or dangerous things.* Anything which is made, permitted, used, kept, maintained or operated, or any building or any animal that is kept in the village or outside of the village but within one-half mile of its limits in a manner that is offensive, nauseous, dangerous to life, limb or property or detrimental to the health of the persons residing in that area shall be a public nuisance.

- (3) *Refuse accumulations.* The deposit and accumulation of garbage, refuse, offal, carcasses of dead animals, trash, both combustible and noncombustible, discarded household furnishings, junk machinery, junk vehicles or junk equipment on any property for longer than ten days is declared to be a nuisance.
 - (4) *Stagnant water.* Any pool of stagnant water in the village is declared to be a nuisance.
 - (5) *Discharge of offensive matter or abandoned property.* Whoever shall, within the village, place or throw, or permit to be discharged or to flow from or out of any house or premises, any filthy, foul or offensive matter or liquid of any kind, or any abandoned property, into any street, alley or public place, or upon any adjacent lot or ground, or shall allow or permit the same to be done by any person connected with the premises, under his control, shall be deemed guilty of a nuisance.
 - (6) *Obstructing or polluting water.* It is unlawful and a nuisance for any person to obstruct or pollute any watercourse or source of water supply in the village.
 - (7) *Parking vehicles in yards.*
 - a. The continuous parking of any operable or inoperable vehicle on the front, side, or rear yard of any property located in the village for longer than 72 hours is hereby declared to be a nuisance, unless that vehicle is wholly within a paved or gravel driveway or a paved or gravel designated parking area.
 - b. The terms "front yard," "side yard," and "rear yard" shall have the same meaning as defined in section 38-3.
 - c. All of the provisions of this subsection (7) shall apply to this particular nuisance, except that the person in violation of this particular nuisance shall instead immediately be given a fine of not less than \$100.00 and not more than \$750.00 upon the chief of police's inspection and investigation determining the existence of this particular nuisance.
- (Code 1981, §§ 17-2-8, 17-3-3; Ord. No. 640, 11-2-1993; Ord. No. 885, § 2(17-2-8), 4-2-2024)

Sec. 22-80. Common law and statutory nuisances.

In addition to what is declared to be a nuisance, those offenses known to the common law or of the state statutes as nuisances may, in case the same exists within the village, be treated as such and proceeded against as provided in this article.
(Code 1981, § 17-2-9)

Sec. 22-81. Penalty for failure of owner to abate nuisance.

Whoever refuses to comply with the order of the police chief shall be, upon conviction, fined not less than \$25.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.
(Code 1981, § 17-2-10)

Secs. 22-82—22-105. Reserved.

DIVISION 2. ABANDONED AND INOPERATIVE MOTOR VEHICLES

Sec. 22-106. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means a vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Inoperative motor vehicle means a motor vehicle for which for a period of at least seven days the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. The term "inoperative motor vehicle" does not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, nor to any motor vehicles that are kept within a building when not in use, provided the vehicle cannot be seen from adjoining property, or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles. Covering a vehicle with a tarp or parking it in an open carport does not qualify as being within a building.

Property means a real property within the village which is not a street or highway.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transports persons or property, or pulls machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.

(Code 1981, § 17-4-1; Ord. No. 693, 2-1-2000)

Sec. 22-107. Abandoned vehicles.

No person shall abandon any vehicle within the village, and no person shall leave any vehicle at any place within the village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(Code 1981, § 17-4-2)

Sec. 22-108. Leaving of wrecked, nonoperating vehicles on street.

No person shall leave any partially dismantled, inoperative, wrecked or junked vehicle on any street in the village.

(Code 1981, § 17-4-3; Ord. No. 637, 9-21-1993)

Sec. 22-109. Inoperative vehicles declared a nuisance.

Inoperative motor vehicles, whether on public or private property, are declared to be a nuisance.

(Code 1981, § 17-4-4)

Sec. 22-110. Disposal after notice.

All persons are required to dispose of any inoperative motor vehicles under their control or on private property under their control where the inoperable vehicle is located, upon five days' written notice, given either by registered or certified mail, by the police chief, or any member of his department designated by him, commanding and requiring such disposition of the inoperative motor vehicle.

(Code 1981, § 17-4-5; Ord. No. 693, 2-1-2000)

Sec. 22-111. Impounding.

The police chief or any member of his department designated by him is authorized to remove, or have removed, any vehicle left at any place within the village which reasonably appears to be in violation of 625 ILCS 5/4-201 et seq., or which reasonably appears to be lost, stolen, abandoned or unclaimed or which is an inoperative vehicle as defined herein. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with 625 ILCS 5/4-201 through 5/4-214.

(Code 1981, § 17-4-6; Ord. No. 693, 2-1-2000)

Secs. 22-112—22-135. Reserved.**DIVISION 3. PLANTS AND WEEDS****Sec. 22-136. Weeds declared a nuisance.**

Any weeds such as jimson, burdock, giant ragweed, common ragweed, cocklebur, blue vervain, common milkweed, wild carrots, poison ivy, wild mustard, rust pigweed, lambs quarter, wild lettuce, curled dock, smart weed (all varieties), poison hemlock and wild hemp, or other weeds of a like kind, found growing in any lot or tract of land in the village are declared to be a nuisance, and it is unlawful to permit any such weeds to grow or remain in any such place.

(Code 1981, § 18-4-1)

Sec. 22-137. Height restricted.

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 village; any such plants or weeds exceeding such height are declared to be a nuisance.

(Code 1981, § 18-4-2)

Sec. 22-138. Barberry bushes prohibited.

It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European barberry, further known as *Berberis vulgaris*, or its horticultural varieties within the village.

(Code 1981, § 18-4-3)

Sec. 22-139. Removal, notice.

It shall be the duty of the police chief 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 division and to demand the abatement of the nuisance within ten days.

(Code 1981, § 18-4-4)

Sec. 22-140. Abatement.

If the person so served does not abate the nuisance within ten days, the village may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant.

(Code 1981, § 18-4-5)

Sec. 22-141. Lien.

(a) Charges for such weed removal shall be a lien upon the premises. When a bill for such charges remains unpaid for 60 days after it has been rendered, the clerk may file with the county recorder of deeds 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 village claims a lien for this amount.

(b) Notice of such lien claim 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 section 22-142.

(Code 1981, § 18-4-6)

Sec. 22-142. Foreclosure of lien.

(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 village.

(b) The village attorney is authorized and directed to institute such proceedings, in the name of the village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid 60 days after it has been rendered.

(Code 1981, § 18-4-7)