

VILLAGE OF ANTIOCH

21-07-19

*AN ORDINANCE AMENDING SECTION 5-1-1 OF THE MUNICIPAL CODE OF
ANTIOCH REGARDING WEEDS AND VEGETATIVE GROWTH*

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF ANTIOCH, ILLINOIS
ON
July 14, 2021**

**Published in pamphlet form by authority of the Village Board of the Village of
Antioch, Lake County, Illinois,
this 19th day of July, 2021.**

SCOTT J. GARTNER	President	MARY C. DOMINIAK	Trustee
		MARY J. PEDERSEN	Trustee
LORI K. ROMINE	Clerk	ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
DEL GALDO LAW GROUP, LLC	Attorney	PETRINA A. BURMAN	Trustee
		BRENT C. BLUTHARDT	Trustee

Ordinance No. 21-07-19

AN ORDINANCE AMENDING SECTION 5-1-1 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING WEEDS AND VEGETATIVE GROWTH

WHEREAS, the Village of Antioch (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

WHEREAS, the Village President (the “President”) and the Village Board of Trustees (the “Village Board”, and together with the President, the “Corporate Authorities”) are committed to the health, safety, and welfare of its residents; and

WHEREAS, Section 5-1-1 of the Municipal Code of Antioch (the “Village Code”) regulates weeds and vegetative growth; and

WHEREAS, the Corporate Authorities have determined that certain lien procedures for weeds and vegetative growth need to be updated to further promote the health, safety, and welfare of the Village’s residents; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that it is necessary, advisable, and in the best interests of the Village, and its residents, to amend Section 5-1-1 of the Village Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

SECTION 1: The Village Code is hereby amended, notwithstanding any provision, ordinance, resolution, or Village Code section to the contrary, by amending Title 5, Chapter 1, Section 5-1-1 of the Village Code as set forth below (additions underlined; deletions ~~stricken~~):

5-1-1: WEEDS AND VEGETATIVE GROWTH:

A. Nuisances Declared: The following are hereby declared nuisances:

1. The growth of any Canadian thistle, burdock, yellow dock, jimsonweed, bull thistle, poison ivy, ragweed, velvet weed, sandbur, mustard, sweet clover or any other noxious or dangerous weed on any premises owned, controlled or occupied by any person. (1976 Code § 93.001)
2. For any owner or occupant of any land or any tract of land in the village to permit any weed, grass or plant to grow thereon to a height exceeding eight inches (8") or to the extent of maturing its seeds. (1976 Code § 93.002)

B. Abatement:

1. Notice: The village clerk or other designated village official may serve on either the owner or occupant of any lot on which such weed, grass or plant grows, a removal notice, giving such person ten (10) days to cut the weeds, grass or plants. Upon receiving said notice, the owner or any occupant shall abate the nuisance declared by this section and shall not allow said nuisance to return for a period of ninety (90)

days. (1976 Code § 93.003)

2. Abatement By Village: If the owner or occupant of any lot or tract of land in the village permits any weed, grass or plant herein declared to be a nuisance, to grow thereon to a height exceeding eight inches (8") or to the extent of maturing its seed, the village may proceed to destroy same or cause the same to be destroyed, regardless of whether or not any notice shall have been served in accordance with this section. The serving of any such notice shall not be a condition precedent to the taking and enforcement of action under this section. (1976 Code § 93.004)
3. Charges For Abatement: When the village destroys or cuts any weeds, plants or grass exceeding a height of eight inches (8"), the minimum charge for this cutting or removal shall be two hundred dollars (\$200.00). Should additional expenses over the two hundred dollars (\$200.00) be incurred, such charges shall be added to the bill forwarded to the owner or occupant of the premises in question. The owner or occupant shall have thirty (30) days after the date of the bill is mailed out to pay the expenses in this section. If the owner or occupant does not pay the expenses incurred by the Village under this section within said thirty (30) day period, an additional fee of five percent (5%) shall be charged to the owner or occupant of the premises in question, and an additional five percent (5%) will be charged to the owner or occupant for each subsequent thirty (30) day period until the owner or occupant pays the expenses incurred by the Village under this section. (Ord. 06-06-18, 6-5-2006)
4. Traditional Lien: If a bill sent to the owner or occupant pursuant to this section is not paid in full within thirty (30) days after the date the bill is mailed out, ~~t~~The village shall have a lien upon such lot or tract of land for such reasonable expenses provided a notice of lien for same shall be recorded in the following manner: The village or the person performing the service as aforesaid shall file such notice of lien in the office of the recorder of deeds of Lake County. Such notice of lien shall consist of a sworn statement setting out:
 - a. A description of the real estate sufficient for identification thereof;
 - b. The amount of money representing the cost and expense incurred or payable for the service; and
 - c. The date or dates when such cost and expense was incurred by the village, and shall be filed within sixty (60) days after the cost and expense was incurred.

The officer or employee of the village having knowledge of the facts, is authorized to sign such notice of lien on behalf of the village and verify the same, and record or cause same to be recorded as aforesaid. After recording, the notice of lien shall be sent by certified mail to the property owner, his or her agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year. The procedure set forth in 65 Illinois Compiled Statutes 5/11-20-7 shall be followed. (1976 Code § 93.007)

Release of lien: Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the village or person in whose name the

lien has been filed, and the release shall be recorded in the same manner as recording the notice of the lien.

Foreclosure of lien: Subsequent to the filing of the above-described lien, the village may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint, the village may proceed in its corporate name to foreclose such lien. An action to foreclose a lien under this section must be commenced within two (2) years after the date of filing notice of lien. The property subject to a lien arising under this section shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the village.

5. Priority Lien. The priority lien described in this section shall apply only to costs incurred for activities performed on abandoned residential properties under this section, as permitted by state law, and is an alternative to the traditional lien authorized in this section. If a bill sent pursuant to Sec. 5-1-1(B)(3) is not paid in full within thirty (30) days after the date of the bill, the village shall have the authority to file and record a priority lien against the abandoned residential property, pursuant to the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, in the following manner:

- a. Notice of lien. The village or the person performing the service by authority of the village, in its, his or her own name, may file a notice of a priority lien in the office of the recorder of deeds of Lake County. The notice of lien shall be filed within one (1) year after the cost and expense is incurred. If, for any one (1) property, the village engaged in any nuisance abatement activity pursuant to this section on more than one (1) occasion during the course of one (1) year, then the village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth: (i) a description of the abandoned residential property that sufficiently describes the parcel; (ii) the amount of the cost incurred or payable for the activities; (iii) the date or dates when such cost was incurred by the village or someone working on behalf of the village; and (iv) a statement that the lien has been filed pursuant to one (1) or more of the property maintenance activities described in Sec. 5-1-1(B)(2) and authorized by 65 ILCS 5/11-20-7D.

After recording, the notice of lien shall be sent by certified mail to the property owner, his or her agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

The village may not file a lien if the lender has provided notice to the village that the lender has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within thirty (30) days of the lender's notice to the village.

- b. Recordkeeping. To enforce a lien, the village must maintain contemporaneous records that include, at a minimum: (i) a dated statement of a finding by the village that the property has become abandoned residential

property; (ii) the date when the property was first observed to be unoccupied by any lawful occupant; (iii) a description of the actions taken by the village to contact the legal owner of the property, or if known, any agent of the owner; (iv) a statement that no contacts were made with the legal owner or, if known, any agent of the owner; (v) a dated certification by a village official of the necessity and specific nature of the work performed; (vi) a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable; (vii) detailed invoices and payment vouchers for the work; and (viii) a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

6. Release of lien: Upon payment of the cost after the notice of lien has been filed as provided herein, the lien shall be released by the village or person in whose name the lien has been filed, and the release shall be recorded of record in the same manner as recording the notice of lien.
7. Enforcement of lien: A lien is enforceable by the village, or entity or person who performs work on behalf of the village, at the hearing for confirmation of the foreclosure sale of the abandoned residential property and is limited to a claim of interest in the proceeds of the sale. The priority lien is superior to all other liens and encumbrances, except tax liens.
- ~~5. Release Of Lien: Upon payment of the costs and expense, after notice of lien has been filed, the lien shall be released by the village 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.~~

SECTION 2: The Corporate Authorities hereby approve the amendment of Title 5, Chapter 1, Section 5-1-1 of the Village Code.

SECTION 3: All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 4: The Village Clerk shall cause this Ordinance to be published in pamphlet form.

SECTION 5: This Ordinance shall be in full force and effect ten (10) days after passage and publication as provided by law.

PASSED by the President and Board of Trustees of the Village this 14th day of July, 2021.

Voting Aye (list names): 6: Pierce, Macek, Pedersen, Bluthardt, Burman and Dominiak.

Voting Nay (list names): 0.

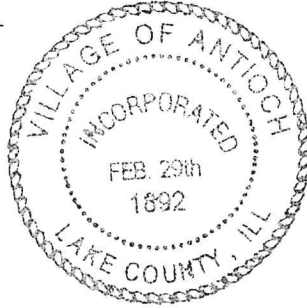
Abstaining (list names): 0.

Absent (list names): 0.


SCOTT J. GARTNER, MAYOR

ATTEST:


LORI K. ROMINE, VILLAGE CLERK



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on July 14, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 21-07-19, entitled **“AN ORDINANCE AMENDING SECTION 5-1-1 OF THE MUNICIPAL CODE OF ANTIOCH REGARDING WEEDS AND VEGETATIVE GROWTH”** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 21-07-19**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 19, 2021 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 19th day of July, 2021

Lori K. Romine

Lori K. Romine, RMC/CMC
Village Clerk

