

51-O-07

AN ORDINANCE

**Amending Section 5-1-3 of the Evanston City Code,
Amendments to the
2003 International Property Maintenance Code,
“Weeds and Grass”**

WHEREAS, uncut weeds and grass that exceed eight inches (8”) in height can harbor rodents, insects, and other vermin that can pose a threat to the public health; and

WHEREAS, uncut weeds and grass that exceed eight inches (8”) in height can constitute a fire hazard and, therefore, a threat to public safety; and

WHEREAS, for the aforementioned reasons, uncut weeds and grass that exceed eight inches (8”) in height constitute a public nuisance; and

WHEREAS, weeds and grass are frequently left uncut on vacant lots and premises with vacant structures in the City of Evanston; and

WHEREAS, the City currently lacks the authority to physically abate such nuisances on vacant lots and premises with vacant structures,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the Evanston City Code, 1979, as amended, be and hereby is further amended by amending Section 5-1-3, “Amendments”, to include the following:

302.4 Weeds And Grass:

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8"). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual, biennial and perennial plants and vegetation which are propagated by seed or vegetative parts, which are of little value and compete with cultivated plants or may affect the health of humans or animals, other than trees and shrubs. However, this term shall not include cultivated flowers and gardens.

The owner or agent having charge of a property who fails to cut weeds after service of a notice of violation, shall be subject to prosecution in accordance with section 106 of this code.

Upon failure by the owner or agent to comply with the notice of violation, any duly authorized agent of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon and the costs for such removal shall be paid by the owner or agent responsible for the property.

At least once per week for two (2) consecutive weeks and no less than fourteen (14) days prior to any City action to cut weeds on any vacant lot or premises with a vacant structure, the City shall cause to be published, in a newspaper of general circulation within the City limits, a notice in the form of a display advertisement that informs all property owners that: (i) the growth of weeds, as defined in this Section; on any premises, in excess of eight inches (8"), is a violation of City code; (ii) that the owner or agent having charge of the property shall be subject to prosecution and fines in accordance with section 106 of this code; (iii) that the City may cut the weeds, as defined in this Section, on any vacant lot or any premises with a vacant structure located in the City, no less than four (4) days after the issuance of a Notice of Violation and posting of such a Notice on any vacant structure; and (iv) that the owner of any such vacant lot or premises with a vacant structure shall be liable to the City for the costs of cutting the weeds and associated costs, in addition to any fine assessed by a court of competent jurisdiction or administrative hearing officer.

If the City cuts any weeds on any vacant lot or premises with a vacant structure as provided in this Section, the City may impose a lien on the property in violation. Upon being recorded in the manner required by Article XII of the Code of Civil Procedure, as amended, or by the Uniform Commercial Code, as amended, the lien shall be imposed on said property as a debt due and owing the City in an amount including, but not limited to: any City costs or contractor's fees for cutting the weeds; inspections; correspondence; title searches; preparation of lien; and recording fees.

SECTION 2: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

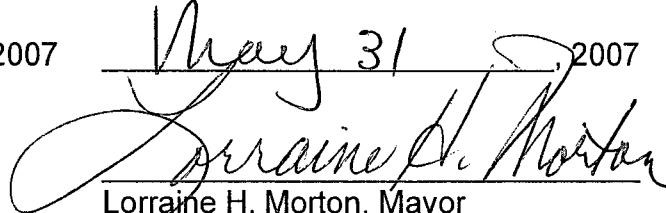
SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: May 29, 2007

Approved:

Adopted: May 29, 2007

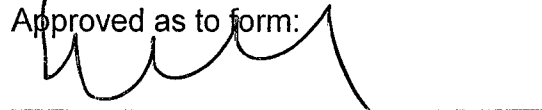
May 31, 2007


Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk

Approved as to form:


Corporation Counsel

