

Ordinance #1876

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE IV, SECTIONS 26-159 AND 26-160 TO AMEND THE NOTIFICATION PROVISIONS RELATED TO RECURRING VIOLATIONS OF WEEDS ON A PROPERTY

WHEREAS, the Village of Bartonville (the “**Village**”) is an Illinois municipality and a home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and as such, has the authority to create this Ordinance concerning its local government and affairs; and

WHEREAS, the Village currently has established a section in the Code of Ordinances (“**Code**”) of the Village related to the abatement of violations of weeds on a property; and

WHEREAS, providing repeat offenders with notice every time they violate the Code related to weeds violations places undue costs, burdens, and expenses on the Village; and

WHEREAS, the Board of Trustees of the Village have determined that it is necessary and in the best interests of the health, safety, and welfare of the citizens of the Village to amend the notice provisions set forth in Sections 26-159 and 26-160 of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The Village of Bartonville hereby finds as fact the recitals set forth above and such recitals are incorporated herein as though fully set forth.

SECTION 2. Section 26-159 of Chapter 26, Environment, Article IV, Weed Control, of the Village’s Code of Ordinances is hereby amended to state as follows:

“Sec. 26-159. - Notice to abate—Property with occupied structures.

(a) *Service; contents.* Notice to abate a violation of weeds on property with occupied structures shall be given by personal service, certified mail (addressed to the residence or usual place of business of the owner or person in control of the property, or if such address is unable to be reasonably located, then to the addressed to the person whom the structure was last assessed real estate taxes), or posting a sign on the property in violation. It shall be the duty of the Village's Ordinance Enforcement Inspector or any other officer

designated by the Chief of Police to give the notice. The notice shall demand the abatement of the weeds within five days, and shall state that upon failure to abate, the Village may cut or destroy the weeds without further notice, and the cost and expense to the Village shall be paid by the owners or persons in control of the property.

(b) *Returned mail.* If the notice to abate sent by certified mail is returned to the Village by the United States Postal Service because of inability to make delivery thereof, the Village is authorized to immediately cut or destroy the weeds on the specified property.

(c) *Posting of notice; form.* If the Village chooses to give notice by posting, it must post a sign in a conspicuous place near the main entrance of a structure on the property. The posted sign shall be at least 14 inches in height and eight inches in width and at the top thereof shall state the words "Notice to Abate." The text of the notice shall contain a reference to the violation of this Article, and may contain such other information as will reasonably inform the owner or person in control of the nature of the violation.

(d) *Unlawful to tamper with posted notice.* It shall be unlawful for anyone to deface, tamper with, or remove the notice to abate sign from the property where it is posted until the violation therein identified has been abated or unless authorized by the person responsible for placing the notice.

(e) *Recurring Violations.* Notwithstanding the foregoing, only one such notice shall be required to be provided during any calendar year and additional notice beyond the initial notice required under this Section 26-159 shall not be required if a subsequent violation of weeds recurs on the property during the same calendar year in which the initial notice was provided (a "recurring violation"). Recurring violations shall be subject to the immediate authorization of the Village to cut or destroy the weeds on the specified property and/or issue fines without additional notice to the owner or person in control of the property."

SECTION 3. Section 26-160 of Chapter 26, Environment, Article IV, Weed Control, of the Village's Code of Ordinances is hereby amended to state as follows:

"Sec. 26-160. - Notice to abate—Vacant property and property with unoccupied structures.

The Village shall cause to be published in a newspaper of general circulation within the Village once each week for two consecutive weeks during the spring or summer months of each year, a notice informing all owners and persons in control of any vacant property or any property with an unoccupied structure that the growth of weeds is a violation of this Article. The notice shall further inform such persons that the Village may cut or destroy the weeds without further notice, and the cost and expense to the Village shall be paid by the owners or persons in control of the property. This notice shall be a display advertisement.

Notwithstanding the foregoing, only one such notice shall be required to be provided during any calendar year and additional notice beyond the initial notice required under this Section 26-160 shall not be required if a subsequent violation of weeds recurs on the property during the same calendar year in which the initial notice was provided (a "recurring violation"). Recurring violations shall be subject to the immediate authorization of the Village to cut or destroy the weeds on the specified property and/or issue fines without additional notice to the owner or person in control of the property."

SECTION 4. That all ordinances or parts thereof in conflict with this Ordinance are hereby expressly repealed.

SECTION 5. If any part or parts of this Ordinance shall be held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, publication, and approval as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, THIS 26 DAY OF June, 2023.

AYES: 4

NAYS: -

ABSENT: -

APPROVED this 24 day of June, 2023.

By: Leon Ricca
Leon Ricca, President

ATTEST: Michelle Carr-Bruce
Michelle Carr-Bruce, Village Clerk

