

CHAPTER 25

NUISANCES

ARTICLE I - WEEDS

25-1-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following: Burdock, Ragweed (giant), Ragweed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other grass or noxious weeds.

25-1-2 **DECLARED NUISANCE.** It is hereby declared to be a nuisance for the owner or owners of subdivision lots in residential areas in the unincorporated areas of the County or any part thereof, to refuse or neglect to cut weeds, as defined in **Section 25-1-1** when such weeds have reached a height in excess of **eight (8) inches**.

25-1-3 **NOTICE OF NUISANCE.** The Building and Zoning Department Director or any other person so designated by the County Board Chairman may issue a written notice for removal of weeds or grass. The owner or owners shall cut such weeds or grass within **ten (10) days** after such notice has been duly served.

25-1-4 **SERVICE OF NOTICE.** Service of notice provided for herein shall be effected by mailing certified a written copy of such notice to the last known address of each owner or owners.

25-1-5 **ABATEMENT.** If the owner or owners so notified does not abate the nuisance within **ten (10) days**, the County Building and Zoning Department Office 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 owners.

25-1-6 **LIEN IMPOSED.** The cost of abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within **sixty (60) days** after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name files notice of lien in the County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting the following:

- (A) A description of the subdivision lot 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 said cost and expense was incurred by the County. However, the lien shall not be valid as to any purchaser whose rights in and to such subdivision lot have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such subdivision lot arise prior to the filing of such notice.

25-1-7 **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 by the owner or persons interested in such property 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 release shall be filed or record in the same manner as filing notice of the lien.

25-1-8 **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 liens. Such foreclosure shall be in the name of the County after lien is in effect for **sixty (60) days**.

25-1-9 **PENALTY.** Any person violating this Ordinance shall, upon conviction, be fined according to the provisions of **Chapter 1** of the "Code of Ordinances".

(Ord. No. 99-672; 05-24-99)

ARTICLE II – GARBAGE AND DEBRIS

25-2-1 **PURPOSE.** St. Clair County recognizes that environmental damage caused by the existence of solid waste in the form of garbage, waste and debris seriously endangers the public health, safety and welfare. The following Article is adopted for the purpose of establishing a continuing program to remove garbage, waste and debris from the unincorporated areas of St. Clair County.

25-2-2 **AUTHORITY.** This Article is adopted pursuant to the authority granted St. Clair County by **55 ILCS 5/5-1118**, and is limited strictly to unincorporated areas of St. Clair County.

25-2-3 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Article.

(A) **"County"** means St. Clair County and/or the St. Clair County Director of Building of Zoning or any other person so designated by the County Board Chairman.

(B) **"Garbage"** means any waste derived from households, including single and multiple residence households.

(C) **"Debris"** means the remains of any article broken, destroyed or that is in a state of disrepair; rubble or wreckage or carelessly discarded refuse or litter.

(D) **"Refuse"** means waste.

(E) **"Unincorporated Areas"** means any areas within St. Clair County which have not been incorporated by one of the corporate entities within the County.

(F) **"Waste"** means any garbage, debris or other discarded materials including glass, plastic, paper, wood, metal, rubber, fabrics, furniture, tires or any other materials that have been discarded.

(G) **"Hazardous Waste"** means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

25-2-4 **ADMINISTRATION.** At the direction and appointment of the County Board Chairman, there shall be appointed a "Garbage and Debris Removal Coordinator" who is hereby authorized and directed to administer and enforce the provisions of this Article. The "Garbage and Debris Removal Coordinator" shall be under the overall supervision of the St. Clair County Department of Building and Zoning.

25-2-5 IDENTIFICATION AND NOTICE. Upon identification of a property that condition deems it an appropriate site for action pursuant to this Article, the County shall provide notice, of its intent to take remedial action upon the property, to the owner in the following manner:

(A) Notice of the County's intention to remove garbage, waste and debris shall be given to the owner(s) of the property by mailing a written copy of the notice, sent certified mail, to the last known address of each owner(s) at least **fifteen (15) days** before the removal action is intended to be taken. The notice, at a minimum, shall include the following:

- (1) The address of the property the County intends to remove the garbage, waste and debris from;
- (2) A statement informing the property owner(s) of the approximate date on which the removal action will occur if the owner fails to remediate the property in the interim.

25-2-6 REMOVAL. If the property owner(s) fails to respond or fully remediate his or her property after notice from the County, the County may, within its discretion take all actions necessary to remove all garbage, waste and debris from the identified property. If the County elects to undertake removal action, it shall conduct such with the use of equipment specified for this project and shall dispose of all garbage, waste and debris at a local landfill or recycling facility.

25-2-7 PROPERTY OWNER(S) – REMOVAL COSTS. The expenses and costs associated with any removal or disposal action conducted by the County shall be directly reimbursable to the County at a specified hourly rate, which will be based upon actual costs for the removal by the County. The basis for the hourly rate shall include, but is not limited to, labor costs, fuel costs, equipment costs and maintenance fees, disposal fees and legal expenses related to the remediation actions. Removal costs shall be discounted to the extent that any monies received by the County from materials recovered from the property that are recycled, will then be deducted from the removal costs due the County by the property owner(s).

25-2-8 PROPERTY OWNER(S) – INVOICE. Upon completion of all remediation activities upon the property, the County shall within **seven (7) days**, issue an invoice to the property owner(s) giving the owner(s) **thirty (30) days** to make full payment to the County for the costs of its removal action. Payments shall be made to the St. Clair County Treasurer's Office.

25-2-9 **LIEN – COST OF REMOVAL.** Upon the owner(s) failure to respond, or to make payment to the County in full, the County is authorized within its discretion to take a lien for the cost of garbage, waste and debris removal upon the real estate in question according to the following procedures:

(A) Any lien taken pursuant to this Article is superior to all other liens and encumbrances, except tax liens, if within **sixty (60) days** after the costs are incurred, the County, in its own name, files a notice of lien in the office of the St. Clair County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

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

(B) The lien of the County shall not be valid as to any purchaser whose rights in and to the real estate have arisen after the removal of the garbage and debris and before the filing of the notice.

(C) The lien of the County shall not be valid as to any mortgagee, judgment creditor, or other lienor whose rights in and to the real estate arose before the filing of the notice.

(D) Upon payment of the removal costs by the property owner or persons interested in the property, the lien shall be released by the County and the release may be filed of record as in the case of filing the notice of lien.

25-2-10 **ENFORCEMENT OF LIEN.** Any lien taken pursuant to this Article may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens. An action to foreclose this lien shall be commenced within **two (2) years** after the date of filing the notice of lien.

25-2-11 **LIMITATIONS.** Removal actions taken by the County pursuant to this Article are limited to the resources available for implementation of this Article. The decision whether a particular property is appropriate for the application of this Article is solely within the discretion of the County.

25-2-12 **HAZARDOUS MATERIALS.** Upon discovery of any material that may be considered hazardous, or that is liquid or gaseous waste, any removal action undertaken pursuant to this Article shall be immediately ceased, and the "Garbage and Debris Removal Coordinator" shall immediately contact a representative of the St. Clair County Hazardous Materials Team, and the appropriate bureau of Illinois Environmental Protection Agency. All removal action under this Article shall then be suspended until such time as the above agencies certify that property is safe to resume removal activities pursuant to this Article.

25-2-13 **INCONSISTENT ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict with the provisions of this Article shall, to the extent of the conflict, be repealed, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance repealed hereby.

(Ord. No. 06-901; 05-30-06)