

ORDINANCE NUMBER 2006-08

An Ordinance to amend the Nuisance ordinance

Whereas, the City of Petersburg has defined certain nuisances in Section 14-74 of the Code of Ordinances; and

Whereas, the City of Petersburg wishes to provide further definition and clarity therefore in respect of procedures to be used in certain abatement matters;

Now, therefore,

Be it ordained, by the City Council of the City of Petersburg, Menard County, Illinois, as follows:

Section 1. "Section 14-74 (11) of the Code of Ordinances of the City of Petersburg is amended to read as follows:

(11) Weeds and grass. To fail or refused to cut or destroy all weeds, grass and excess growth upon any land owned, leased, rented or otherwise actually or constructively controlled. The growth of weeds and grass to a height in excess of 10 inches is declared a public nuisance in that such conditions favor the harboring of mosquitoes and rodents, and may constitute a fire hazard.

Section 2. "Section 14-74 of the Code of Ordinances of the City of Petersburg is amended by adding thereto as Section 14-74A, the following:

SECTION 14-74A:

(1): Nuisances as defined in Section 14-74 shall be punishable by a fine not less than \$25.00 nor more than \$300.00 for each day that said nuisance persists after notice that the nuisance must be abated. Such fine is in addition to all other remedies to the City available herein or by law.

(2): Upon discovering a violation the Chief of Police or his designee, shall give written notice to the owner of occupant of said parcel of land to abate said nuisance within (3) three days. Said notice shall be in substantially the following form:

**NOTICE**

To the Owner of occupant of the following described parcel of Real Estate:

You are hereby notified that there exists on the above described real estate a nuisance in violation of Ordinance No. 14-74:

You are further notified that if said nuisance is not removed or abated within (3) three days after your receipt of this Notice, then the City of Petersburg, acting through an agent or employee, will enter upon said premises and will have the same removed and abated at your cost and expense. If you desire a hearing regarding this matter, please contact Petersburg City Hall and a hearing will be arranged prior to action by the City. Failure to abate this nuisance may subject you to a fine not less than \$25.00 nor more than \$300.00 for each day that said growth is permitted by you to remain notwithstanding any request for a hearing.

In the event that the nuisance is removed or abated within said (3) three days after receipt of this Notice, then the City will not take any further action against you. Please avoid any action by the City of Petersburg by immediately addressing this nuisance. If you have any questions regarding the matter, please call Petersburg City Hall.

If the owner or occupant of the premises is not known or cannot be found, service of the foregoing Notice shall be effected by posting a copy thereof and the premises at least (5) five days before the date affixed for removal or abatement of the nuisance, and mailing a copy by certified mail, return request requested, to the last known address of the person owning said land. Failure of such mail notice to be delivered or received shall not affect the right of the City to proceed to abate the nuisance.

(4): In addition to all other remedies and penalties provided by this ordinance and other ordinances, the City Attorney may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief, to halt any violation of this ordinance. Such action may include seeking a temporary injunction and other appropriate temporary relief. Nothing in this ordinance shall be deemed to restrict a suit for damages of the City or on behalf of any other person or entity.

(5): The provisions of this ordinance are severable. If any provision of this ordinance or the application to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

**Section 3.** This ordinance shall become effective upon its passage and publication as provided by law.

Passed: 6-20-06  
Donald S. Kube  
date Mayor

Attest: Suzanne Freedland  
Clerk

First Reading: 6-6-06  
Second Reading: 6-20-06  
Ayes: 4  
Nays: 0  
Abstaining: 0