

Sec. 42-37. - Height of plants, *grass* or weeds.

It shall be unlawful for anyone to permit any weeds, *grass* or plants other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding 12 inches anywhere in the city. Any such plants, *grass* or weeds exceeding such height are declared to be a nuisance.

Sec. 42-39. - Notice to abate.

It shall be the duty of the Silvis Police Department, by and through the community service officer or other designee of the Silvis Police Chief, to serve or cause to be served a notice upon the owner or occupant of premises where weeds, *grass*, or plants are in violation of the Silvis Code of Ordinances, or where trash, garbage, junk or like materials are found in violation of the Silvis Code of Ordinances. The notice shall demand abatement of the nuisance or other code violations within ten days.

Notice to property owners: If the City of Silvis, by necessity has to give notice of violations of weed and *grass* height limitations, it shall be sufficient that such notice may be given only once to a property owner during any calendar year. Such notice may be sent by regular mail addressed to the addressee of the property owner as shown on the tax assessment records. Such mailing shall be sufficient notice to such property owner for any calendar year.

Sec. 42-40. - Abatement by city upon noncompliance with notice.

If a person served with notice under [section 42-39](#) does not abate the nuisance within ten days after such service, the public works department may proceed to abate such nuisance. The reasonable abatement cost shall be \$150.00 for any lot not exceeding 10,000 square feet. Lots exceeding 10,000 square feet shall be charged an additional \$150.00 on a 10,000-square-foot basis.

The city may issue a ticket for any ordinance violation for the unlawful growth of weeds, *grass* or plants, or the unlawful deposit of trash, garbage, junk or like materials. The violation may be prosecuted as a general ordinance violation subject to the general fines and penalty provisions for all other ordinance violations. In the case of *grass* or weed violations, the minimum fine shall be \$50.00 for a first offense, and \$100.00 for a second offense or \$200.00 for a third offense for violations during the same growth season, April 1 through November 1.

Sec. 42-41. - Lien for abatement costs.

(a) If the abatement of the nuisance was performed pursuant to [section 42-40](#), the costs of such abatement shall be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens, provided that within 60 days after such cost and expense is incurred, the city files notice of the lien in the office of the recorder of deeds in the county.

(b) The notice shall consist of a sworn statement setting out the following:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the cost and expense incurred or payable for the service;

(3) The date when such cost and expense was incurred by the city.

(c) Such lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the abatement and prior to the filing of such notice, and the lien shall not be valid as to any mortgagee, judgement creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice.

(d) Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the city, and the release may be filed of record as in the case of filing notice of lien.

(e) The cost of the cutting of weeds shall not be a lien on the real estate affected unless a notice is personally served on or sent by certified mail to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent after the cutting of weeds on the property. The notice shall state the substance of this section and the substance of any city ordinance implementing this section and shall identify the property, by common description, and the location of the weeds to be cut.

(f) The lien procedures in this section and in [section 42-42](#) shall be governed by the statutory lien procedures in the Illinois Municipal Code, cutting of weed or *grass* costs, 65 ILCS 5/11-20-7, and the removal of garbage and debris costs, 65 ILCS 5/11-20-13.