

**Chapter 44**  
**Village of Arcade Outdoor Property Maintenance Law**

**Section 1. FINDINGS AND PURPOSE:**

The Village Board of the Village of Arcade hereby finds that uncontrolled weeds and vegetation is a public nuisance that leads to infestation by insects, vermin and rodents, depreciates property values, and has a deteriorating and blighting effect upon the neighborhood and community.

The purpose of this article is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and condition of the exterior of residential and nonresidential premises; to avoid, prevent and eliminate the maintenance of or creation of hazards to the public health and safety; to avoid, prevent and eliminate conditions which, if permitted to exist or continue, will lead to infestation by insects, vermin or rodents; depreciate or tend to depreciate the value of adjacent or surrounding properties; to prevent the creation, continuation, extension or aggravation of blight; to fix certain responsibilities and duties upon owners, operators and occupants of property; and to provide for administration and enforcement of this provision.

**Section 2. WEEDS AND GRASS:**

It shall be unlawful for any owner, lessee or occupant, having control of any occupied or unoccupied lot or land in the Village of Arcade, to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb, or for 10 feet outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a greater height than an average of 8 inches, or any accumulation of dead weeds, grass or brush in which no maintenance is taking place on a regular basis.

**Section 3. DUTIES AND RESPONSIBILITIES:**

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass or other rank vegetation as often as may be necessary to comply with the provisions of above, provided that cutting and removing such weeds, grass and vegetation at least once in every three weeks between May 15 and October 15 shall be deemed to be a compliance with this article.

**Section 4. ENFORCEMENT:**

- A. ENFORCEMENT OFFICER - It shall be the duty and responsibility of the Village of Arcade police department and/or the Village of Arcade zoning officer to enforce the provisions of this article.
- B. COORDINATION OF ENFORCEMENT - Inspection of the premises and the issuing of notices of violations in connection with the provisions of this article

shall be the exclusive responsibility of the Village of Arcade Police Department and the Village of Arcade zoning officer. No order for correction of any violation under this article shall be issued without the approval of the Chief or Sergeant of the Arcade Police Department or the Village of Arcade zoning officer.

**Section 5. NOTICE OF VIOLATION:**

- A. Whenever an enforcement officer determines that there is or has been a violation of any provision of this article, he shall give notice of such violation to the person, persons or entities responsible under this article. Such notice shall be in writing and shall state the following:
1. the name of the owner, as shown on the most recent Village tax assessment records, and any known lessee or occupant of the premises;
  2. the address or location of the premises;
  3. the identification of the premises as the same appears on the most recent Village tax assessment records;
  4. a statement of the conditions on the property deemed upon inspection to be in violation of this article;
  5. a demand that the conditions on the property deemed upon inspection to be in violation of this article be removed from the property on or before 10 days after the service or mailing of such notice or any other extended time as explained below in section “C”; and
  6. a statement that a failure or refusal to comply with the provisions of this article and the notice given pursuant thereto within the time specified may result in:
    - a. an enforcement fee as stated in “Enforcement Fees for Offenses”; and/or
    - b. the enforcement officer authorizing and directing officers, agents or employees of the Village to remove such condition at a cost to be billed directly to such owner, which if not paid within 30 days, may be levied on said owner’s next Village Tax bill and constitute a lien on the subject property to be collected as provided by law.
  7. a date, time and location at which the Village Board will conduct a hearing to determine whether the conditions upon the subject property constitute a public nuisance. Said notice shall state that the aforementioned owner is entitled to be heard at such hearing. The date of such hearing must be at least 10 days after service or mailing of the notice of violation.
  8. A copy of this article shall accompany any notice of violation.

- B. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by certified mail, return receipt requested, to the last known address of the person or entity upon whom or which the same is served, as shown by the most recent Village tax assessment records, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said person or entities. Notice shall be given as aforesaid within or without the municipality.
  
- C. The enforcement officer may extend the period for compliance with the requirements of this article in regard to the violation stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the 10 day period, and in such cases the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said 10 day period or within such extended period as set forth in the notice, pursuant to the foregoing, a summons shall be issued against the person, persons, entity or entities so notified. Any extension beyond 30 days must be approved by the Village Board.

#### **Section 6. INSPECTION AND REPORT**

On or before the date of the hearing and prior to commencement of the hearing, the enforcement officer who issued the notice or any enforcement officer given authority by the issuing officer, shall conduct an inspection of the property and file a written report of the conditions deemed in violation of this article found thereon, if any, with the Village Board. At the time for reporting, the enforcement officer may withdraw their notice of violation if the conditions on the property have become in compliance with this article. Such inspection shall be conducted as close to the date of hearing as practicable.

#### **Section 7. DETERMINATION OF PUBLIC NUISANCE; REMOVAL BY VILLAGE:**

At the close of the hearing, the Village Board may determine that the conditions upon the subject property, which violate this chapter, constitute a public nuisance. Upon a determination by the Village Board that conditions upon the property constitute a public nuisance, the enforcement officer is empowered to authorize and direct officers, agents or employees of the Village to enter onto the property and remove any conditions that violate this article and dispose of or otherwise destroy the same. Any costs, expenses and enforcement fee related to land or lot maintenance shall be billed by the Village to the owner of said property. If such costs, expenses and enforcement fee are not paid in full within 30 days of being billed, they shall be assessed against the property involved and shall constitute a lien thereon to be collected as provided by law including all costs and expenses incurred in collection together with reasonable attorneys' fees.

**Section 8. ENFORCEMENT FEES FOR OFFENSES:**

Any person or entity who or which shall violate any of the provisions of this article or any order promulgated hereunder shall, after a notice is issued under the terms hereof and a violation determined by the Village Board, be assessed an enforcement fee according to the current Village of Arcade Fee Schedule.

**Section 9. EMERGENCY ACTIONS:**

Nothing in this article shall prohibit the Village from entering onto private property whenever there exists an imminent threat to the life or safety of persons. Municipal authority pursuant to this section may only be exercised where there is an immediate necessity to protect life and safety. Any municipal action taken pursuant to this section must be reasonably calculated to alleviate or prevent the crisis condition.

**Section 10. EFFECTIVE DATE**

This local law shall take effect upon filing with the Secretary of State.

Local Law No. 2-2015  
Adopted: April 21, 2015  
Filed: April 30, 2015