

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Municipal Code is amended by changing Sections 11-20-7, 11-20-8, 11-20-12, and 11-20-13 and by adding Section 11-20-15 as follows:

(65 ILCS 5/11-20-7) (from Ch. 24, par. 11-20-7)

Sec. 11-20-7. Cutting and removal of neglected weeds, grass, trees, and bushes.

(a) The corporate authorities of each municipality may provide for the removal of nuisance greenery from any parcel of private property within ~~cutting of weeds or grass, the trimming of trees or bushes, and the removal of nuisance bushes or trees~~ in the municipality if, when the owners of that parcel, after reasonable notice, real estate ~~refuse or neglect to remove the nuisance greenery. The municipality may cut, trim, or remove them and to collect,~~ from the owners of that parcel, private property the reasonable removal cost thereof.

(b) The municipality's removal cost under this Section is a lien upon the underlying parcel in accordance with Section 11-20-15.

(c) For the purpose of this Section:

"Removal of nuisance greenery" or "removal activities"

means the cutting of weeds or grass, the trimming of trees or bushes, and the removal of nuisance bushes or trees.

"Removal cost" means the total cost of the removal activity.

~~This cost is 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 municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under the Torrens system. The notice shall consist of a sworn statement setting out (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, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the cutting of weeds or grass, the trimming of trees or bushes, or the removal of nuisance bushes or trees and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. 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 municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.~~

~~The cost of the cutting, trimming, or removal of weeds, grass, trees, or bushes shall not be 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, trimming, or removal of weeds, grass, trees, or bushes on the property. The notice shall state the substance of this Section and the substance of any ordinance of the municipality implementing this Section and shall identify the property, by common description, and the location of the weeds to be cut.~~

(Source: P.A. 95-183, eff. 8-14-07.)

(65 ILCS 5/11-20-8) (from Ch. 24, par. 11-20-8)

Sec. 11-20-8. Pest extermination; liens.

(a) The corporate authorities of each municipality may provide pest-control activities on any parcel of private property ~~for the extermination of pests~~ in the municipality if, and charge to and collect from the owners of and persons interested in private property the reasonable cost and expense of preventing ingress of pests to their property and of pest

~~extermination therein,~~ after reasonable notice, the owners of that parcel refuse or neglect to prevent the ingress of pests to their property or to exterminate pests on their property. The municipality may collect, from the owners of the underlying parcel, the reasonable removal cost ~~notice to such owners or persons as provided by ordinance and failures of such owners or persons to comply.~~

(b) The municipality's removal cost under this Section is a lien upon the underlying parcel in accordance with Section 11-20-15. ~~This cost and expense is a lien upon the real estate affected, superior to all other existing liens and encumbrances, except tax liens if within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which the real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under "An Act concerning land titles", approved May 1, 1897, as amended. The notice shall consist of a sworn statement setting out (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, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser, mortgagee, judgment creditor, or~~

~~other lienor whose rights in and to the real estate arise subsequent to the pest extermination and prior to the filing of the notice of such lien in the office of the recorder, or in the office of the Registrar of Titles, as aforesaid. Upon payment of the cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. Actions to foreclose this lien shall be commenced within one year after the date of filing notice of lien.~~

(c) For the purpose of this Section:

~~"Pests", as used in this Section 11-20-8,~~ mean undesirable arthropods (including certain insects, spiders, mites, ticks, and related organisms), wood infesting organisms, rats, mice, and other obnoxious undesirable animals, but does not include a feral cat, a "companion animal" as that term is defined in the Humane Care for Animals Act (510 ILCS 70/), "animals" as that term is defined in the Illinois Diseased Animals Act (510 ILCS 50/), or animals protected by the Wildlife Code (520 ILCS 5/).

"Pest-control activity" means the extermination of pests or the prevention of the ingress of pests.

"Removal cost" means the total cost of the pest-control activity.

(Source: P.A. 94-572, eff. 8-12-05.)

(65 ILCS 5/11-20-12) (from Ch. 24, par. 11-20-12)

Sec. 11-20-12. Removal of infected trees.

(a) The corporate authorities of each municipality may provide for the removal of elm trees infected with Dutch elm disease or ash trees infected with the emerald ash borer (Agrilus planipennis Fairmaire) from any parcel of private property within the municipality if the owners of that parcel, after reasonable notice, refuse or neglect to remove the infected trees. The municipality may collect, from the owners of the parcel, not owned by the municipality or dedicated for public use when the owner of such property refuses or neglects to remove any such tree, and to collect from the property owner the reasonable removal cost thereof.

(b) The municipality's removal cost under this Section is a lien upon the underlying parcel in accordance with Section 11-20-15.

(c) For the purpose of this Section, "removal cost" means the total cost of the removal of the infected trees.

~~This cost is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that notice has been given as hereinafter described, and further provided that within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own~~

~~name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the Registrar of Titles of such county if the real estate affected is registered under "An Act concerning land titles", approved May 1, 1897, as amended. The notice shall consist of a sworn statement setting out (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, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the tree removal and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. 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 municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien.~~

~~The cost of such tree removal shall not be a lien upon the real estate affected unless a notice shall be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year on the property, such notice to be delivered or sent not less than~~

~~30 days prior to the removal of the tree or trees located thereon. The notice shall contain the substance of this section, and of any ordinance of the municipality implementing its provisions, and identify the property, by common description, and the tree or trees affected.~~

(Source: P.A. 95-183, eff. 8-14-07.)

(65 ILCS 5/11-20-13) (from Ch. 24, par. 11-20-13)

Sec. 11-20-13. Removal of garbage, debris, and graffiti.

(a) The corporate authorities of each municipality may provide for the removal of garbage, debris, and graffiti from any parcel of private property within the municipality if ~~when~~ the owner of that parcel ~~such property~~, after reasonable notice, refuses or neglects to remove the ~~such~~ garbage, debris, and graffiti. The municipality and may collect, from the ~~such~~ owner of the parcel, the reasonable removal cost ~~thereof except in the case of graffiti.~~

(b) The municipality's removal cost under this Section is a lien upon the underlying parcel in accordance with Section 11-20-15. ~~This cost is a lien upon the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if within 60 days after such cost and expense is incurred the municipality, or person performing the service by authority of the municipality, in his or its own name, files notice of lien in the office of the recorder in the county in which such real estate is located or in the office of the~~

~~Registrar of Titles of such county if the real estate affected is registered under "An Act concerning land titles", approved May 1, 1897, as amended. The notice shall consist of a sworn statement setting out (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, and (3) the date or dates when such cost and expense was incurred by the municipality. However, the lien of such municipality shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the garbage and debris and prior to the filing of such notice, and the lien of such municipality shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. 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 municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose this lien shall be commenced within 2 years after the date of filing notice of lien.~~

(c) This amendatory Act of 1973 does not apply to any municipality which is a home rule unit.

(d) For the purpose of this Section, "removal cost" means

the total cost of the removal of garbage and debris. The term "removal cost" does not include any cost associated with the removal of graffiti.

(Source: P.A. 90-292, eff. 1-1-98.)

(65 ILCS 5/11-20-15 new)

Sec. 11-20-15. Lien for removal costs.

(a) If the municipality incurs a removal cost under Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13 with respect to any underlying parcel, then that cost is a lien upon that underlying parcel. This lien is superior to all other liens and encumbrances, except tax liens.

(b) To perfect a lien under this Section, the municipality must, within one year after the removal cost is incurred, file notice of lien in the office of the recorder in the county in which the underlying parcel is located or, if the underlying parcel is registered under the Torrens system, in the office of the Registrar of Titles of that county. The notice must consist of a sworn statement setting out:

(1) a description of the underlying parcel that sufficiently identifies the parcel;

(2) the amount of the removal cost; and

(3) the date or dates when the removal cost was incurred by the municipality.

If, for any one parcel, the municipality engaged in any removal activity on more than one occasion during the course of

one year, then the municipality may combine any or all of the costs of each of those activities into a single notice of lien.

(c) A lien under this Section is not valid as to: (i) any purchaser whose rights in and to the underlying parcel arose after the removal activity but before the filing of the notice of lien; or (ii) any mortgagee, judgment creditor, or other lienor whose rights in and to the underlying parcel arose before the filing of the notice of lien.

(d) The removal cost is not a lien on the underlying parcel 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 taxable year immediately preceding the removal activities. The notice must be delivered or sent after the removal activities have been performed, and it must: (i) state the substance of this Section and the substance of any ordinance of the municipality implementing this Section; (ii) identify the underlying parcel, by common description; and (iii) describe the removal activity.

(e) A lien under this Section may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose a lien under this Section must be commenced within 2 years after the date of filing notice of lien.

(f) Any person who performs a removal activity by the authority of the municipality may, in his or her own name, file a lien and foreclose on that lien in the same manner as a

municipality under this Section.

(g) A failure to file a foreclosure action does not, in any way, affect the validity of the lien against the underlying parcel.

(h) Upon payment of the lien cost by the owner of the underlying parcel after notice of lien has been filed, the municipality (or its agent under subsection (f)) shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing notice of lien.

(i) For the purposes of this Section:

"Lien cost" means the removal cost and the filing costs for any notice of lien under subsection (b).

"Removal activity" means any activity for which a removal cost was incurred.

"Removal cost" means a removal cost as defined under Section 11-20-7, 11-20-8, 11-20-12, or 11-20-13.

"Underlying parcel" means a parcel of private property upon which a removal activity was performed.

"Year" means a 365-day period.

(j) This Section applies only to liens filed after the effective date of this amendatory Act of the 96th General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.