

**ORDINANCE NO. 2021 - 13**

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE VI, DIVISION 2, SECTION 42-432 AND CHAPTER 90, ARTICLE II, SECTIONS 90-31 AND 90-33 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING GRAFFITI AND WEEDS.**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of Village residents; and

**WHEREAS**, Chapter 42, Article VI, Division 2, Section 42-432 and Chapter 90, Article II, Sections 90-31 and 90-33 of the Municipal Code, Village of Stickney (the "Village Code") currently regulate graffiti and weed cutting in the Village (the "Existing Regulations"); and

**WHEREAS**, the Corporate Authorities recognize the need to amend, update and clarify the Existing Regulations from time to time; and

**WHEREAS**, graffiti is often used by gangs to mark their territory; and

**WHEREAS**, when another gang or random person covers up the old graffiti with their own, or adds other graffiti in close proximity, it can lead to violence and other crimes in the immediate and surrounding areas; and

**WHEREAS**, the presence of weeds and other brush are unsightly and bring down the aesthetic value of the surrounding neighborhoods and is also known to attract rodents and other animals and pests; and

**WHEREAS**, the swift abatement of these nuisances is in the best interest of the Village and its residents; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 42, Article VI, Division 2, Section 42-432 and Chapter 90, Article II, Sections 90-31 and 90-33 of the Village Code related to graffiti and weed cutting in the Village, as set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 42, Article VI, Division 2, Section 42-432 and Chapter 90, Article II, Sections 90-31 and 90-33 of the Village Code related to graffiti and weed cutting in the Village and to authorize the President or his designee to take all action necessary to carry out the intent of this Ordinance.

**ARTICLE II.**

**AMENDMENT OF CHAPTER 42, ARTICLE VI, DIVISION 2, SECTION 42-432 AND CHAPTER 90, ARTICLE II, SECTIONS 90-31 AND 90-33 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

**SECTION 3.0. AMENDMENT OF CHAPTER 42, ARTICLE VI, DIVISION 2, SECTION 42-432.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 42, Article VI, Division 2, Section 42-432 as follows:

**Sec. 42-432. – Notice to Remove.**

Upon notification by the village supervisor, health officer, police or fire inspector, the owner of property upon which graffiti has been illegally placed shall remove the graffiti within ~~15~~ five (5) days of the date of notice. Failure to remove the graffiti within the specified time shall cause the summary abatement of this nuisance as prescribed in section 42-405, and costs shall be assessed to the owner. The penalty upon conviction for the offense of failure to remove graffiti shall be a fine of not less than \$100.00 nor more than ~~\$1,000.00~~ \$750.00 for each offense. Each day such failure shall continue shall be considered a separate offense, and fines shall be assessed accordingly.

**SECTION 3.1. AMENDMENT OF CHAPTER 90, ARTICLE II, SECTION 90-31.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 90, Article IV, Section 90-31 as follows:

**Sec. 90-31. - Generally.**

- (a) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in such place.
- (b) It shall be unlawful for anyone to permit weeds or other underbrush to grow to a height of six (6) inches or more; and any person who owns or controls any premises who suffers or permits the growth of weeds or underbrush to greater than six (6) inches shall cut or cause the same to be cut within ~~ten~~ five (5) days after being notified to do so by the chief of police or other representative of the village. If such person shall fail to cut such weeds or underbrush to the curblin of his premises and including any parkway area adjoining such premises within the time specified in this subsection, such weeds will be cut by the village and full cost thereof assessed against such

person. If such cost is not paid after notice thereof has been given by the village, a lien therefor will be placed against the premises in accordance with the applicable provisions of the Illinois Municipal Code.

- (c) It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European barberry, further known as *Barberis Vulgaris*, or its horticultural varieties within the village.

### **SECTION 3.2. AMENDMENT OF CHAPTER 90, ARTICLE II, SECTION 90-33.**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 90, Article II, Section 90-33 as follows

#### **Sec. 90-33. – Violations.**

Any person violating any provision of this article shall be guilty of an offense. A separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after ~~ten~~ five (5) days from receipt of notice. Any unpaid

### **SECTION 3.3. OTHER ACTIONS AUTHORIZED.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance, and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

## **ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

### **SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

### **SECTION 5. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

### **SECTION 6. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be effective immediately upon its passage.

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**PASSED this 14<sup>th</sup> day of June, 2021.**

**AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White**

**NAYS: None**

**ABSENT: None**

**ABSTENTION: None**

**APPROVED by me this 14<sup>th</sup> day of June, 2021.**

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**Jeff Walik, President**

**ATTESTED AND FILED in my  
office this 15<sup>th</sup> day of June, 2021.**

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**Audrey McAdams, Village Clerk**