

1 AN ACT to amend the Illinois Municipal Code by changing  
2 Sections 11-20-7 and 11-20-13.

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

5 Section 5. The Illinois Municipal Code is amended by  
6 changing Sections 11-20-7 and 11-20-13 as follows:

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

8 Sec. 11-20-7. The corporate authorities of each  
9 municipality may provide for the cutting of weeds in the  
10 municipality, when the owners of real estate refuse or  
11 neglect to cut them, and may ~~te~~ collect from the owners of  
12 private property the reasonable cost thereof and an  
13 additional penalty in the amount of \$200. This cost and  
14 penalty are liens ~~is-a-lien~~ upon the real estate affected,  
15 superior to all other liens and encumbrances, except tax  
16 liens; provided that within 60 days after such cost and  
17 expense is incurred or penalty imposed the municipality, or  
18 person performing the service by authority of the  
19 municipality, in his or its own name, files notice of lien in  
20 the office of the recorder in the county in which such real  
21 estate is located or in the office of the Registrar of Titles  
22 of such county if the real estate affected is registered  
23 under the Torrens system. The notice shall consist of a sworn  
24 statement setting out (1) a description of the real estate  
25 sufficient for identification thereof, (2) the amount of  
26 money representing the cost and expense incurred or payable  
27 for the service and any penalty, and (3) the date or dates  
28 when such cost and expense was incurred by the municipality  
29 or the date the penalty was imposed. However, the lien of  
30 such municipality shall not be valid as to any purchaser  
31 whose rights in and to such real estate have arisen

1 subsequent to the weed-cutting and prior to the filing of  
2 such notice, and the lien of such municipality shall not be  
3 valid as to any mortgagee, judgment creditor or other lienor  
4 whose rights in and to such real estate arise prior to the  
5 filing of such notice. Upon payment of the cost and expense  
6 and any penalty by the owner of or persons interested in such  
7 property after notice of lien has been filed, the lien shall  
8 be released by the municipality or person in whose name the  
9 lien has been filed and the release may be filed of record as  
10 in the case of filing notice of lien.

11 The cost of the cutting of weeds or any penalty shall not  
12 be lien on the real estate affected unless a notice is  
13 personally served on, or sent by certified mail to, the  
14 person to whom was sent the tax bill for the general taxes on  
15 the property for the last preceding year. The notice shall  
16 be delivered or sent after the cutting of weeds on the  
17 property. The notice shall state the substance of this  
18 Section and the substance of any ordinance of the  
19 municipality implementing this Section and shall identify the  
20 property, by common description, and the location of the  
21 weeds to be cut.

22 (Source: P.A. 88-355.)

23 (65 ILCS 5/11-20-13) (from Ch. 24, par. 11-20-13)

24 Sec. 11-20-13. The corporate authorities of each  
25 municipality may provide for the removal of garbage, debris,  
26 and graffiti from private property when the owner of such  
27 property, after reasonable notice, refuses or neglects to  
28 remove such garbage, debris, and graffiti and may collect  
29 from such owner the reasonable cost thereof and an additional  
30 penalty in the amount of \$200, except in the case of  
31 graffiti. This cost and penalty are liens ~~is-a-lien~~ upon the  
32 real estate affected, superior to all subsequent liens and  
33 encumbrances, except tax liens, if within 60 days after such

1 cost and expense is incurred or penalty imposed the  
2 municipality, or person performing the service by authority  
3 of the municipality, in his or its own name, files notice of  
4 lien in the office of the recorder in the county in which  
5 such real estate is located or in the office of the Registrar  
6 of Titles of such county if the real estate affected is  
7 registered under the Torrens system "~~An Act concerning land~~  
8 ~~titles~~"~~, approved May 17, 1897, as amended.~~ The notice shall  
9 consist of a sworn statement setting out (1) a description of  
10 the real estate sufficient for identification thereof, (2)  
11 the amount of money representing the cost and expense  
12 incurred or payable for the service and any penalty, and (3)  
13 the date or dates when such cost and expense was incurred by  
14 the municipality or the penalty was imposed. However, the  
15 lien of such municipality shall not be valid as to any  
16 purchaser whose rights in and to such real estate have arisen  
17 subsequent to removal of the garbage and debris and prior to  
18 the filing of such notice, and the lien of such municipality  
19 shall not be valid as to any mortgagee, judgment creditor or  
20 other lienor whose rights in and to such real estate arise  
21 prior to the filing of such notice. Upon payment of the cost  
22 and expense and any penalty by the owner of or persons  
23 interested in such property after notice of lien has been  
24 filed, the lien shall be released by the municipality or  
25 person in whose name the lien has been filed and the release  
26 may be filed of record as in the case of filing notice of  
27 lien. The lien may be enforced by proceedings to foreclose as  
28 in case of mortgages or mechanics' liens. An action to  
29 foreclose this lien shall be commenced within 2 years after  
30 the date of filing notice of lien.

31 This amendatory Act of 1973 does not apply to any  
32 municipality which is a home rule unit.

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