

**Chapter 187**  
**PROPERTY MAINTENANCE**  
**ARTICLE II**  
**Brush, Grass & Weeds**

Section 187-8. [Responsibility of owners.](#)

No person, partnership, corporation or other entity, being the owner or in control of or charged with the control or management of any premises in the Village of Sherburne, shall suffer or permit the growth, accumulation, deposit or storage thereon of any idle, wild, uncultivated or obnoxious grass, weeds, thistles, brush, briars, brambles, leaves, materials or objects of any kind, rubbish, garbage, dirt, waste or waste materials, whereby said premises are, or may be or become, or liable to become, unsanitary, or whereby the fire hazard, danger or risk is or may be increased, or whereby the life, health or safety of another or others is or may be endangered or injuriously affected, or whereby the premises of another or the enjoyment thereof are or may be injured, damaged, interfered with or prejudiced.

Section 187-9. [Enforcement; inspections.](#)

A. It shall be the duty and responsibility of the Village Superintendent, Village Code Enforcement Officer or their designee to enforce the provisions of this chapter.

B. Upon the receipt of a request, complaint or becoming aware that any premises within the Village boundaries may be in violation of this chapter, the Village Superintendent, Village Code Enforcement Officer or their designee shall inspect the said premises for compliance with the above section herein.

C. No inspection of any lands within the Village for compliance with this chapter shall be conducted where to do so would constitute a trespass upon the premises or neighboring premises. All inspections shall be conducted from the vantage of a public sidewalk, street or other public lands, or shall be with the consent of the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of any such premises, or with the consent of the owner or occupant of premises adjoining the subject premises and affording a vantage of the subject premises.

Section 187-10. [Notice of violation.](#)

A. Upon a determination by the Village Superintendent, Village Code Enforcement Officer or their designee that a premises is in violation of Section 187-8 herein, the Village Superintendent, Village Code Enforcement Officer or their designee shall cause a written notice of violation to be given to the person, partnership, corporation or other entity, being the owner or in control of or charged with the control or management of the premises.

B. Notice shall be given by personal service upon the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises or by return receipt requested United States mail addressed to the owner of said premises at the address listed upon the latest Village of Sherburne real property tax roll for said premises. If notice cannot be effectuated by personal service or return receipt mail, the Village Superintendent, Village Code Enforcement Officer or their designee shall make application to the Judge of the Village of Sherburne Court for an order directing the manner of giving notice most likely to notify the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises of the violation.

Section 187-11. [Contents of notice.](#)

The notice of violation shall contain:

- A. A statement that the premises was inspected on a specified date and found to be in violation of Section 187-8 of this chapter.
- B. A recitation of Section 187-8 of this chapter.
- C. A specific date on which the premises will be reinspected for compliance with Section 187-8 herein. The specific date shall not be less than five days computed from the date of mailing said notice.
- D. A statement that failing compliance by the specified date, the Village, without further notice to the addressee, shall cause the premises to be cleared and cleaned of the offensive vegetation and materials and that the cost thereof will be billed to the addressee for payment within 30 days of receipt and that failure to timely pay the cost thereof will result in the cost being added to the Village real property taxes to be levied and collected against the premises.
- E. A statement that unless the addressee, the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises notifies the Village Superintendent, Village Code Enforcement Officer or their designee on or before the said specified date in the notice of violation for compliance that the addressee or the said person, partnership, corporation or other entity does not consent to the entering upon the premises by Village personnel and equipment or the Village's independent contractor for the purpose of clearing and cleaning same, it shall be presumed that the addressee does consent and gives permission to the entering upon the premises by the Village or its independent contractor and the payment of the costs of the addressee of the clearing and cleaning work performed.

F. A statement of the estimated cost to be charged for clearing and cleaning if performed by the Village and a statement that if performed by an independent contractor the costs may vary from the Village estimate.

G. A statement that failure to comply by the specified date or authorized extension thereof and failure to consent to entering upon the premises for the purpose of clearing and cleaning by the Village or its independent contractor may result in the issuance of an appearance ticket or other legal process to appear in the Village of Sherburne Court and, upon conviction, may subject the addressee to a penalty, the maximum of which is imprisonment for a term of 15 days or a fine not more than \$250, or both such imprisonment and fine.

Section 187-12. [Village empowered to clear and clean.](#)

A. In the event the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises does not comply with this chapter on or before the date so specified in the notice of violation provided for in Section 187-10 and Section 187-11 herein, or any extension thereof, the Village Superintendent, Village Code Enforcement Officer or their designee shall without further notice to the said addressee, person, partnership, corporation or other entity cause the premises to be cleared and cleaned of the offensive vegetation or materials and the cost thereof charged to the said person, partnership, corporation or other entity. In clearing and cleaning the premises, the Village Superintendent may cause the work to be performed by Village manpower and equipment or may contract for the performance of the work with an independent contractor.

B. In the event the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises notifies the Village Superintendent, Village Code Enforcement Officer or their designee, in accordance with Section 187-11-E that consent for entering upon the premises is denied, neither the Village nor its independent contractor shall enter upon the premises and this chapter may be enforced in accordance with Section 187-15 herein.

Section 187-13. [Costs of clearing and cleaning.](#)

A. The following costs are hereby established to be imposed when the Village or its independent contractor clears and cleans a noncomplying premises in accordance with Section 214-6.3 herein:

(1) First occurrence within a three-year period: \$100, plus the actual cost of the work.

(2) Second occurrence within a three-year period: \$200, plus the actual cost of the work.

(3) Third or more occurrences within a three-year period: \$300, plus the actual cost of the work.

B. For the purposes of this article, the "actual cost of the work" is defined as follows:

(1) In the case of an independent contractor, the total agreed-upon contract consideration.

(2) In the case of the Village performing the work, the sum total of man hours expended multiplied by the hourly wage, plus fringe benefits paid each Village employee utilized, plus the sum total of equipment hours utilized multiplied by an hourly rental charge therefore.

Section 187-14. [Payment of costs.](#)

A. A statement of costs incurred for clearing and cleaning in accordance with Sections 187-12-A and 187-13 herein and a demand for payment of same upon completion of work shall be mailed to the addressee, person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of the premises by United States Postal return receipt requested mail. Such statement of costs shall require payment to the Treasurer not later than 30 days from receipt.

B. In the event the said costs are not timely paid, the Board of Trustees of the Village of Sherburne may direct the Village Attorney to bring a proceeding in a court of competent jurisdiction for its collection and thereafter to proceed to enforce such judgment by lawful process.

Section 187-15. [Criminal proceedings; penalties for offenses.](#)

A. In any instance involving a violation of this chapter and the failure of the person, partnership, corporation or other entity being the owner or in control of or charged with the control or management of premises to comply with this chapter before or on the date specified for compliance in the notice provided for herein or any extension thereof and upon such person, partnership, corporation or other entity's denial of consent to the Village or its independent contractor for entry upon said premises for the purpose of clearing and cleaning offensive vegetation and materials there from as required herein, the Village Superintendent, Village Code Enforcement Officer or their designee may cause to be issued to said offending person, partnership, corporation or other entity an appearance ticket based upon a misdemeanor information charging a violation of this chapter. Such misdemeanor information shall be returnable in the Village of Sherburne Court, Village of Sherburne, where the matter shall be adjudicated.

B. Any person, partnership, corporation or other entity violating any of the provisions of this chapter shall, upon conviction, be guilty of a violation and shall be liable, upon

conviction, to a fine of not more than \$250 or imprisonment not exceeding 15 days, or both fine and imprisonment.

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

William Acee, Mayor