**ORDINANCE NUMBER: 2505**

**AN ORDINANCE OF THE CITY OF SOUTH BELOIT, ILLINOIS AMENDING CHAPTER 34 ENVIRONMENT, ARTICLE III NUISANCES, SECTION 34-66 OF THE CITY OF SOUTH BELOIT CODE OF ORDINANCES**

**WHEREAS**, the City of South Beloit, Illinois ("City") had adopted a City Code of Ordinances ("Code"); and

**WHEREAS**, Chapter 34 governs Environment; and

**WHEREAS**, Article III of Chapter 34 governs Nuisances; and

**WHEREAS**, the City desires to amend Section 34-66 of the Code regarding Liens to be consistent with state statute; and

**WHEREAS**; the City has determined it is in the best interest of the City and its citizens to make such amendments.

**NOW THEREFORE**, be it ordained by the Mayor and City Council of the City of South Beloit, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.

2. That Section 34-66 entitled "Lien" is hereby amended to read as follows (additions shown as **bold and underlined** and deletions as ~~strikethroughs~~) (all other sections not amended shall remain as written):

> The reasonable expense of removing or cutting said weeds or plants, in the event the same has not been paid, is hereby declared to be a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens; provided that within **one (1) year** ~~60 days~~ after such expense is incurred the **C**~~c~~ity **A**~~a~~ttorney shall file a notice of lien in the office of the **R**~~r~~ecorder of **D**~~d~~eeds of Winnebago County. This notice shall consist of a sworn statement ~~by the director of public works~~ 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 which such costs and expense were incurred by the city.
>
> However, the lien of the **C**~~c~~ity shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the **C**~~c~~ity shall not be valid as to any

mortgagee, judgment creditor or other lienor whose rights in and to such real estate arose 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 **C**eity **A**attorney by the preparation and filing of a release of such lien in the office of the **R**~~r~~ecorder of **D**~~d~~eeds of Winnebago County."

**State Law Reference—65 ILCS 5/9-2-4.5**

3. Except as amended in this Ordinance, all other provisions and terms of City Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

4. This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY Duffy

SECONDED BY Hedrington

BY ROLL CALL VOTE THIS 16th DAY OF March, 2020

AS FOLLOWS:

VOTING "AYE": Duffy, Fitzgerald, Hedrington, Morse, Rehl

VOTING "NAY": _____

ABSENT, ABSTAIN, OTHER _____

APPROVED March 16, 2020

ATTEST:

Tracy L. Patrick
CLERK

MAYOR