



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0621

Introduced 2/6/2009, by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

60 ILCS 1/105-15

Amends the Township Code. Provides that a township may provide for the cutting of grass, the trimming of trees or bushes, and the removal of nuisance trees or bushes (in addition to the cutting of weeds and the maintenance of a retention pond or detention pond). Provides for a lien and recovery of costs. Provides that the lien must be filed within 180 days (instead of 60 days) after the township or a person performing the service by authority of the township incurs the cost of performing the service. Provides that, in addition to any lien or foreclosure action, a township may institute a civil action or proceeding to recover the amount of money owed for the performance of specified services. Effective immediately.

LRB096 03501 RLJ 13526 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Township Code is amended by changing Section
5 105-15 as follows:

6 (60 ILCS 1/105-15)

7 Sec. 105-15. Weed cutting.

8 (a) The township board may provide for the cutting of weeds
9 or grass, the trimming of trees or bushes, the removal of
10 nuisance bushes or trees, or the maintenance of a retention
11 pond or detention pond on any real estate in residential areas
12 in the township no sooner than 7 days after notifying the owner
13 or the appropriate property owners association by mail of the
14 intended weed or grass cutting, bush or tree trimming, nuisance
15 bush or tree removal, or pond maintenance when the owners of
16 the real estate refuse or neglect to cut the weeds or grass,
17 trim the trees or bushes, remove the nuisance bushes or trees,
18 or maintain the pond. The board may collect from the owners the
19 reasonable cost of cutting the weeds or grass, trimming the
20 trees or bushes, removing the nuisance bushes or trees, or
21 maintaining the pond. If a lien is filed pursuant to subsection
22 (b), the board may collect from the owners reasonable
23 attorneys' fees and filing fees.

1 (b) This cost is a lien upon the real estate affected,
2 superior to all other liens and encumbrances except tax liens,
3 if within 180 ~~60~~ days after the cost and expense is incurred,
4 the township or person performing the service by authority of
5 the township in his or its own name files a notice of lien in
6 the office of the recorder in the county in which the real
7 estate is located or in the office of the registrar of titles
8 of the county if the real estate affected is registered under
9 the Registered Titles (Torrens) Act. The notice shall consist
10 of a sworn statement setting out (i) a description of the real
11 estate sufficient for its identification, (ii) the amount of
12 money representing the cost and expense incurred or payable for
13 the service, attorneys' fees, and filing fees, and (iii) the
14 date or dates when the cost and expense was incurred by the
15 township. The lien of the township shall not be valid, however,
16 as to any purchaser whose rights in and to the real estate have
17 arisen after the weed or grass cutting, bush or tree trimming,
18 nuisance bush or tree removal, ~~weed cutting~~ or pond maintenance
19 and before the filing of the notice, and the lien of the
20 township shall not be valid as to any mortgagee, judgment
21 creditor, or other lienholder whose rights in and to the real
22 estate arise before the filing of the notice. Upon payment of
23 the cost and expense by the owner of or persons interested in
24 the property after the notice of lien has been filed, the lien
25 shall be released by the township or person in whose name the
26 lien has been filed. The release may be filed of record as in

1 the case of filing a notice of lien.

2 (c) No provision of this Section applies to any nature
3 preserve or other area that has been designated as a
4 conservation area.

5 (d) In addition to any lien or foreclosure action related
6 thereto, a township may institute a civil action or proceeding
7 to recover the amount of money owed for any service performed
8 pursuant to subsection (a). The township is entitled to
9 reasonable attorneys' fees and filing fees related to the civil
10 action or proceeding. Upon the payment of all costs and fees by
11 the owner or persons interested in the property, any lien filed
12 under subsection (b) shall be released and the action or
13 proceeding dismissed with prejudice.

14 (Source: P.A. 87-1194; 88-62.)

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