

Chapter 13 - GARBAGE, LITTER, VEGETATION AND INOPERABLE MOTOR VEHICLE

Sec. 13-8. - Lien and personal judgment.

- (a) The cost, administration fee not to exceed ~~\$125.00~~ **\$160.00**, mailing cost, recording and releasing of lien fees, service of process fees, and any attorney fees, of cutting the weeds and the removal of the litter or motor vehicle parts from private property shall be recoverable from the owner or person in control of the real estate and is a lien thereon. A late administrative fee of \$40 will be added on to fees not paid with 45 days of invoice date. The lien shall be superior to all prior existing liens and encumbrances, except taxes; provided, however that within one year after completion of the cutting of the weeds, or the removal and disposal of the litter or motor vehicle parts, the corporation counsel shall file a notice of lien for the all cost and expenses as stated above incurred by the city in the office of the recorder of deeds of the county. Upon payment of the all cost and expenses as stated above, the lien shall be released by the corporation counsel.
- (b) The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. Suit to foreclose this lien shall be commenced by the corporation counsel within three years after the date of filing of notice of lien.
- (c) If the city's cost and expenses, for cutting weeds, or removal of the litter or motor vehicle parts are not paid, the corporation counsel may commence proceedings in the circuit court seeking a personal judgment from the owner or person in control of the subject property. The action authorized by this subsection shall be in addition to, and without waiver of, any other remedies.

Sec. 13-10. - Penalty and settlement option.

- (a) *Penalty for conviction:* Anyone convicted in a court of law of a violation of any act prohibited or declared to be unlawful by this chapter, except section 13-41, 13-45 and 13-46, shall be punished by a fine of not less than ~~\$50.00~~ **\$100.00** for the first offense, not less than \$200.00 for the second offense, and not less than \$500.00 for third or subsequent offense within any two-year period. No one shall be punished by a fine in excess of the amount provided for in section 1-5 of this Code for each violation. The court shall have discretion to modify the penalties as stated in this paragraph (a) based on exigent circumstances. An administrative fee of \$25 will be added to anyone convicted of a violation of this chapter.
- (b) *Pre-court settlement:* For the violation of any section of this chapter, except sections 13-41, 13-45 and 13-46, a person may settle the violation by making a payment of the fine amount as outlined in section 13-10(a) to the city treasurer for each violation indicated on the complaint, ~~at least seven calendar days prior to the court appearance date indicated on the complaint. Said payment must be actually received by the city at least seven days prior to the court date.~~ Payment shall be made by cash, certified check, cashier's check or money order made payable to the City of Peoria. The \$25 administrative fee is not applicable to anyone who pay the pre-court settlement amount.
- (c) The city shall file in the circuit court of the county all complaints against those persons served by either certified mail or personal service who fail to resolve their claims with the city seven days prior to their court appearance date. Such persons must then appear on the court appearance date set forth in the complaint to answer to the city's claim for fines and court costs. A person who has been served with a complaint by a court summons after the attempt to serve by either certified mail or personal service has failed shall not be permitted to settle the complaint, but shall appear in court on the date indicated on his/her summons to answer to the ordinance violation.