

**ORDINANCE NO. 2026-03**

**AN ORDINANCE REGULATING MAINTENANCE OF THE PORTION OF VILLAGE  
RIGHT-OF-WAY ADJACENT TO PROPERTY IN THE AREA BETWEEN  
THE PROPERTY LINE AND THE EDGE OF STREETS AND REGULATING  
OBSTRUCTIONS ON OR OVER VILLAGE RIGHT-OF-WAY**

**WHEREAS**, the Village of Hopewell, Marshall County, Illinois (the "Village") seeks to regulate the maintenance of the portion of the Village's right-of-way situated between the Village streets and the adjacent property owner's property line as provided herein; and

**WHEREAS**, new Chapter of 6.02 of the Hopewell Village Code requires property owners to prevent weeds and grasses from exceeding ten (10) inches in height in the lawn areas on their property and adjacent right-of-way to their property; and

**WHEREAS**, pursuant to Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2), the Village has the authority to define, prevent, and abate nuisances; and

**WHEREAS**, the Village finds that such excessively tall weeds and grasses permitted to grow on property above ten (10) inches in height in the lawn areas of a property within the Village constitutes a nuisance to the Village, Village citizens, and the general public; and

**WHEREAS**, the Village further finds that such excessively tall weeds and grasses growing on rights-of-way between Village streets and alleys and the adjacent property owner's property lines (the "ROW Areas") in the Village also constitute a nuisance to the Village, Village citizens, and the general public; and

**WHEREAS**, the Village further finds that encroachment and obstructions of, upon, or over Village streets and ROW Areas, constitutes a nuisance to the Village, Village citizens, and the general public; and

**WHEREAS**, the Village Board has determined that it is in the Village's best interests to prohibit the growth of excessively tall weeds and grasses in the lawn areas of real property, including on any ROW Areas adjacent to streets and alleys in the Village as provided herein, and the Village Board further hereby declares that these weeds and grasses in the ROW Areas in excess of the specified height restrictions set forth herein to be a nuisance; and

**WHEREAS**, the Village Board has also determined that it is in the Village's best interests to prohibit that encroachment and obstructions of, upon, or over Village streets and ROW Areas in the Village, as provided herein, and the Village Board further hereby declares that these encroachments and obstructions as set forth herein to be a nuisance; and

**WHEREAS**, the Village also finds that property owners throughout the Village are granted implied limited use by the Village of the ROW Areas that is attendant to and consistent with the use of their property immediately adjacent to the ROW Areas; and

**WHEREAS**, the Village Board further finds that it is reasonable and in the best interests of the Village that the adjacent property owners to such ROW Areas across the Village are expected to maintain such ROW Areas as provided herein as consideration for this granted implied limited use of the Village's adjacent ROW Areas as an extension of their property for this implied limited use; and

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HOPEWELL, MARSHALL COUNTY, ILLINOIS, THAT:**

**Section 1.** The recitals set forth above are found to be true and correct and incorporated into this Ordinance.

**Section 2.** The title for Title 7 of the Sections 1.45 and 1.46 of Title 7, Chapter 1 of the Hopewell Village Code is hereby deleted and replaces as follows:

**TITLE 7      PUBLIC WAYS AND PROPERTY**

**Section 3.** A new Chapter 2 is hereby added to Title 7 of the Hopewell Village Code as follows:

**Chapter 7.02**

**Unobstructed Streets and Rights-of-Way**

Sections:

- |         |                                                                          |
|---------|--------------------------------------------------------------------------|
| 7.02.01 | Public Right-of-Way to be Free of Encroachments, Buildings, Obstructions |
| 7.02.02 | Vegetation Maintenance on Right-of-Way                                   |
| 7.02.03 | Abatement of Nuisance                                                    |
| 7.02.04 | Remedies and Penalties                                                   |

**7.02.01      Public Right-of-Way to be Free of Encroachments, Buildings, Obstructions**

- A. Village streets and alleys shall be kept free and clear of all encumbrances and encroachments, and shall be for the use of the public and shall not be used or occupied in any way other than as provided in this Chapter.
- B. It shall be unlawful for any person to erect or place, or cause to be erected or placed, any building, fence, bridge, archway, or any other structure or enclosure, extending into or across or encroaching upon any Village street, alley, or right-of-way. The owner of any such building, fence, bridge, archway, or any other structure or enclosure erected on any Village street, alley, or right-of-way shall remove the same within

fourteen (14) days upon written notice from the Village for such removal.

- C. Except as expressly permitted in writing by the Village, the Village right-of-way shall be kept clear and unobstructed of any trees, bushes, or large plants and any branches or foliage from trees, bushes, or large plants. The property owner shall be responsible for the removal of such obstruction for right-of-way caused by a tree, bush, or large plant growing on the property owner's property. If a property owner does not remove such obstruction within fourteen (14) days after receiving written notice from the Village to remove the obstruction, the Village may remove the obstruction and seek payment from the property owner for the removal of the obstruction.
- D. It shall be unlawful for any person to obstruct or cause to be obstructed any street or alley within the Village in any manner, including by any goods, merchandise, or other articles that the person may be receiving or having delivered for longer than may be necessary in the diligent removal of same.

**7.02.02 Vegetation Maintenance on Right-of-Way.** It shall be unlawful for any owner of any property within the Village to permit the growth of grass or weeds to a height exceeding ten (10) inches on any right-of-way located between the property line of the property and the roadway portion of an adjoining street or alley, inclusive of all parkways and drainage-ways found therein. This section applies to all property in the Village regardless of whether the property is improved or unimproved, or occupied or unoccupied.

**7.02.03 Notice to Abatement Nuisance.** Whenever a designated Village official or Code Enforcement Officer finds or determines that a nuisance exists under this Chapter, a written notice shall be sent by certified mail or served personally upon the owner or person in control of the property or premises who is causing, permitting, or maintaining such nuisance which notice shall give the person served fourteen (14) days from the date of service of the notice to abate the nuisance. Such personal service may be affected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of the household of the age of fifteen (15) years or older found on the premises. Alternatively, the Village official, Code Enforcement Officer, or law enforcement official may cause an administrative citation or notice letter to be personally served upon the owner or person in control of the property or premises who is causing, permitting or maintaining such nuisance, which notice shall give the person served fourteen (14) days from the date of service of the notice to abate the nuisance. Such service of an administrative citation or notice letter shall be deemed the equivalent of a notice to abate as described in this section. Such notice or administrative citation be by means of personal service of a copy of the complaint or by certified mail of a copy

of the complaint to the last known residence address of the owner or person in control of the property.

**7.02.03 Abatement of Nuisance.** The Village may take action to abate a nuisance under this Chapter in the same manner as provided in Sections 6.01.06 through 6.01.10 of this Village Code regarding the abatement of general nuisances in the Village.

**7.02.04 Remedies and Penalties.** Any person violating any provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day a violation is permitted to exist shall constitute a separate offense. If the Village issues an administrative citation or notice letter under this Chapter, the fine under such citation or notice letter shall be one hundred dollars (\$100.00) or two hundred fifty dollars (\$250.00) for a second or subsequent offense in the same twelve month period.

A determination by a court that a violation of this Chapter has taken place and the assessment of a penalty thereof shall not preclude the Village from seeking recovery of any unpaid charges, fees, or other sums due the Village's action to abate nuisance created by the violation of this Chapter.

**Section 4.** This Ordinance is hereby ordered to be published in pamphlet form by the Hopewell Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 5.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby superseded and repealed by this ordinance, and any conflicts shall be governed by the ordinance.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law and upon the effective date provided herein.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HOPEWELL,  
MARSHALL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 28<sup>th</sup>  
DAY OF July, 2026.

AYES: 4

NAYS: 0

ABSENT: 1

APPROVED:

John Mangelufier  
Village President

ATTEST:

Amanda Kolb  
Village Clerk

**CERTIFICATE OF PUBLICATION**

I, **Amanda Kolb** and the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Hopewell, a municipal corporation of and in the County of Marshall, Illinois, that the foregoing Ordinance No. 2026-03, titled "An Ordinance Regulating Maintenance of the Portion of Village Right-of-Way Adjacent to Property in the Area Between the Property Line and the Edge of Streets and Regulating Obstructions on or over Village Right-of-Way", is a true and accurate copy of the Ordinance passed by the Village Board and President of the Village of Hopewell on the meeting date set forth therein, and that the Ordinance was published by me in pamphlet form this 28<sup>th</sup> day of July, 2026, by making three (3) copies thereof available on that date for public inspection.

Amanda Kolb  
Village Clerk

[Seal]

