



INSTITUTE FOR JUSTICE

September 21, 2026

Via Electronic Mail

Mayor Rickey Williams, Jr.
Robert E. Jones Municipal Building
17 West Main Street
Danville, IL 61832

Re: Threatened Enforcement Action against Ms. Kristi Church, Citation No. 26-005643

Dear Mayor Williams:

We write to you in connection with a code-violation citation, Citation No. 26-005643, issued to Ms. Kristi Church by Code Enforcement Inspector Justin Wernigk on August 10, 2026. The Institute for Justice (“IJ”) is a national, non-profit, public interest law firm that advocates on behalf of individuals and property owners nationwide. As part of its practice, IJ specializes in property-rights defense on behalf of homeowners fighting *ultra vires* and unconstitutional municipal code provisions restricting homeowners’ rights to use and enjoy their properties. In that capacity, IJ represented Miami Shores, FL, homeowners Hermine Ricketts and Tom Carroll in a legal challenge to their town’s ban on front-yard vegetable gardens.¹ In the wake of that case, IJ led the campaign to pass a statewide reform in Florida protecting the right of all residential property owners to grow food on their properties—as Americans have done on their land since time immemorial. That protection has since been enshrined in Florida law, and it is now generally known as the Vegetable Garden Protection Act.²

In 2021, Illinois similarly recognized the vital right to grow one’s own food on one’s own property with the passage of the Illinois Vegetable Garden Protection Act (“Garden Act”).³ The Garden Act expressly states that the people of Illinois have the “[r]ight to cultivate vegetable gardens,” and “any person may cultivate vegetable gardens on their own property, or on the private property of another with the permission of the owner, in any county, municipality, or other political subdivision of this state.”⁴ Yet even with the Act’s passage, IJ has continued to identify

¹ <https://ij.org/case/flveggies>.

² See Fla. Stat. § 604.71.

³ See 505 ILCS 87.

⁴ 505 ILCS 87/15.



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instances in which its protections must be brought to the direct attention of local officials, in an effort to ensure that Illinoisans' rights are recognized and defended.

Indeed, just this past June, IJ authored a letter to the Village of Millstadt, IL, informing Village officials that a code-enforcement action similar to the one present here violated the statutory and constitutional rights of one of its residents.⁵ Millstadt officials subsequently terminated that unlawful enforcement action,⁶ evidently recognizing that the Garden Act explicitly defines “vegetable garden” as inclusive of “vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants,”⁷ and that its residents' gardens were protected under state law. Here, just like that Millstadt resident's garden, Ms. Church's historic cottage garden is also fully protected by the express terms of the Act.

While the Act does not categorically preclude a “regulation or local ordinance of general nature,” it explicitly prohibits a regulation or ordinance that “specifically regulate[s] vegetable gardens.”⁸ The code-enforcement action referenced above, and the application of the underlying ordinances,⁹ not only violate Illinois's Garden Act, but they also present significant constitutional concerns under the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Sections 2 and 15 of the Illinois Constitution.

First, the City's threatened action violates the Garden Act. As noted above, the Act provides any person a statutory right to “cultivate vegetable gardens on their own property,”¹⁰ and it prohibits any regulation or local ordinance that purports to “specifically regulate vegetable gardens.”¹¹ However, the Danville Code of Ordinances § 93.01 defines “weeds and nuisance vegetation” to include “weeds or tall grass exceeding an average of height of 6 inches,”¹² which the code then prohibits under section 93.16.¹³ Because the City's threatened action against Ms. Church under these sections appears to include “flowers” and “pollinator plants”—the very same plants that are explicitly protected—the threatened action violates the plain language of the Act.

⁵ <https://ij.org/effort/millstadt-il-garden-defense>.

⁶ <https://ij.org/press-release/victory-illinois-village-agrees-to-let-lauras-garden-grow-after-ij-letter>.

⁷ 505 ILCS 87/10.

⁸ 505 ILCS 87/25.

⁹ Danville Code Ord. §§ 93.01 *et seq.*

¹⁰ 505 ILCS 87/15.

¹¹ 505 ILCS 87/25.

¹² Danville Code Ord. § 93.01.

¹³ Danville Code Ord. § 93.16(A). *See also* Danville Code Ord. § 167.01(B)(25) (referred to in the citation issued to Ms. Church as § 302.4).



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Second, to the extent that the City’s application of sections 93.16 and 167.01(B)(25) includes any of Ms. Church’s strawberry, blueberry, grape, tomato, cucumber, pepper, broccoli, onion, brussels sprouts, or other fruit, vegetable, or leafy green plants, such application would not only violate the Garden Act, but it would also violate Ms. Church’s federal and state constitutional guarantees of substantive due process and equal protection to grow food on her own land.

Third, enforcement of this ordinance against Ms. Church may constitute a taking under the Fifth and Fourteenth Amendments to the federal Constitution¹⁴ and Article I, § 15 of the Illinois Constitution.¹⁵ The Supreme Court of Illinois “has defined a taking as a physical invasion of private property or the radical interference with a private property owner’s use and enjoyment of the property.”¹⁶ Thus, the City’s destruction of Ms. Church’s garden for the purported purpose of enforcing its constitutionally and statutorily defective weed ordinance would likely constitute a taking without just compensation. The Supreme Court of Illinois has also explained that the remedy for the uncompensated taking or damage of private property is damages.¹⁷

In light of the above, we strongly encourage you to reconsider the threatened enforcement of Danville Code Ord. §§ 93.16 and 167.01(B)(25) against Ms. Church as indicated in Citation No. 26-005643, as well as any future applications of those or other related subsections as they pertain to the cultivation and maintenance of vegetable gardens. We stand ready to discuss with you—prior to any further enforcement action—whatever concerns you may have regarding Ms. Church’s historic cottage garden and to identify possible resolutions that will not violate the statutory and constitutional rights of Ms. Church or other Danville residents.

Sincerely,

Ari Bargil
Senior Attorney
INSTITUTE FOR JUSTICE

Benjamin Marsh
Litigation Fellow
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¹⁴ U.S. CONST. amend. V (“[N]or shall private property be taken for public use, without just compensation.”).

¹⁵ Ill. CONST. art. I, § 15 (“Private property shall not be taken or damaged for public use without just compensation as provided by law.”).

¹⁶ *Hampton v. Metro. Water Reclamation Dist. of Greater Chicago*, 57 N.E.3d 1229, 1238–39 (Ill. 2016).

¹⁷ *Id.* at 1240. *See also* 740 ILCS 23/5(c)(2) (“Upon motion, a court shall award reasonable attorneys’ fees and costs, including expert witness fees and other litigation expenses, to a plaintiff who is a prevailing party in any action brought to enforce a right arising under the Illinois Constitution.”).