CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 04-2008

AN ORDINANCE TO AMEND THE ORDINANCE CODE OF THE CITY OF VILLAGE OF DOUGLAS, MICHIGAN

THE CITY OF VILLAGE OF DOUGLAS ORDAINS:

That the Ordinance Code of the City of Village of Douglas, Michigan, is hereby amended by adding Sections 95.30-95.30.3 to Title IX to read as follows:

GRASS AND NOXIOUS WEEDS

§ 95.30. Weeds and noxious vegetation--Prohibited in certain places.

(a) No owner, occupant, or agent in charge of any lot or parcel of land located within the city shall permit or maintain thereon any growth of weeds, grass or rank, poisonous or noxious vegetation (not including landscaping) on any part of a lot or parcel of land to a greater average height than twelve (12) inches within two hundred (200) feet of the center line of a public street right-of-way or upon the untraveled portion of the public right-of-way lying between the road and sidewalk which abuts any such any lot or parcel of land.

(b) "Average height" shall mean an average taken for the area of the lot or parcel of land within two hundred (200) feet of the centerline of any street which is not occupied by structures, pavement, gardens, agricultural plantings, or deciduous plant growth, or any portion of this area as determined by the Planning and Zoning Administrator (the "Administrator") or his/her designee. With respect to the untraveled portion of a right-of-way, the average height shall be determined only with respect to the untraveled portion of the public right-of-way.

§ 95.30.1. Exceptions to prohibition.

(a) Lands in the L1 zone district will be exempt if all the following conditions apply:

(1) the parcel exceeds five (5) acres of developed land or two (2) acres of undeveloped land; and
(2) the parcel is not adjacent to a residential zone district, or a residentially used premises.

(b) Lands located in natural wetlands or flood plains.

(c) Lands determined to be exempt from the application of this ordinance based upon the parcel's location, topography, configuration, or other factors deemed relevant based upon the recommendation of the Administrator and the approval of the City Council.

§ 95.30.2. Additional Prohibitions.

An owner, occupant or agent shall not cause, suffer or allow Canada thistle, dodders, mustards, wild carrot, perennial sow thistle, hoary alyssum, bindweed, ragweed, poison ivy, poison sumac or other noxious weeds or plants detrimental to health to grow on any premises, or allow any accumulation of dead weeds, grass or brush thereon.

§ 95.30.3 Abatement.

(a) Prior to the enforcement of this ordinance in any calendar year, the Administrator is authorized to notify the owner, occupant, or agent in charge of property located in the City to comply with the provisions of this ordinance by the publication of a notice in a newspaper of general circulation of the duties and obligations of §95.30.1 or §95.30.2. .

(b) If at any time during a period commencing 10 days after the publication of notice and October 15 next following, the Administrator shall find that any owner, occupant, or agent in charge has failed to comply with the provisions of this ordinance, the Administrator shall send a seven (7) day notice of violation by certified mail and posting the property with the notice of violation requiring that such conditions under § 95.30.1 be abated. Within the seven (7) day notice period, the owner, occupant, or agent in charge may request an administrative appeal with the Administrator regarding compliance with the notice of violation. The Administrator shall make a determination based upon the administrative appeal and if the owner, occupant, agent in charge disagrees with the determination of the Administrator, an appeal may be filed with the City Council within three (3) business days after the determination of the Administrator. The City Council shall hear the appeal at its next regularly scheduled meeting or, at the discretion of the Council, a special meeting called for such purpose. Upon failure to comply with the notice of violation and the exhaustion of any appeals, if applicable, the Administrator shall have the right to enter on the property and cause such material and vegetation to be cut, destroyed and/or removed and bill the owner for the cost. The Administrator shall have the right to remove such trash or refuse located on the property in abating the nuisance pursuant to §95.30.1 or §95.30.2. The cost shall be the standard hourly rate for labor and machine use for the city or the reasonable cost incurred by a private contractor, whichever is appropriate, plus an administrative fee as provided by a resolution adopted by the city council from time to time.

(c) Such unpaid charges shall become a lien upon the any lot or parcel of land in which such work has been done or upon the property abutting or adjoining the alley, street or sidewalk upon which such work has been done upon the completion of the work. Payment shall be due to the city within 30 days of the bill being sent to the owner, occupant or agent in charge for the performance of such services. An owner assessed for abatement costs may appeal the assessment to the Administrator. On appeal, the Administrator shall determine whether:

(1) The lot or parcel of land was in violation of this Article;
(2) Whether the owner, occupant or agent in charge were mailed notices of the violation at least seven (7) days before the city abated the condition (except for emergency abatements); and

(3) Whether the costs assessed against the owner were properly calculated.
An appeal shall be filed within twenty-one (21) days after the city mails notice to the owner, occupant or agent in charge that the costs will be assessed. In the event the owner, occupant, or agent in charge disagrees with the determination of the Administrator, an appeal may be filed with the City Council within three (3) business days after the determination of the Administrator. The City Council shall hear the appeal at its next regularly scheduled meeting or, at the discretion of the Council, a special meeting called for such purpose. Except as otherwise determined by the Administrator, if payment is not received by the city within 30 days after such billing, the city treasurer shall add an additional penalty of 1% per month to the delinquent bill. The city treasurer shall annually, on May 1, certify any delinquent billing, or any part thereof, together with all accrued interest in penalty, to the Council; and, it shall be transferred and reassess, with an additional 15% penalty, on the next annual city tax roll. Such charges so says shall be collected in the same manner as general city taxes.

(d) An Administrator may abate a public nuisance under this ordinance, without giving notice, if the public health or safety requires immediate abatement. The cost of abating the nuisance may be charged against the lot or parcel of land and the owner in accordance with the provisions above.

(e) The Administrator or his or her authorized representative is hereby empowered to enter upon any lot or parcel of land in the city for the purpose of determining or requiring compliance with this ordinance.

Ordinance Offered by: Waddell

Ordinance Supported by: Bailey

Ayes: Bailey, Balmer, Harvath, Hoexter, Moore, Waddell

Nays: None

Absent: Mayer

Matt Balmer, Mayor — Date: 5/6/08

Jean E. Neve, Clerk — Date: 5-6-08

Ordinance Adoption Date: May 5, 2008

Ordinance Effective Date: June 5, 2008 (20 days after adoption and publication).