

ORDINANCE NO. 93-1

AN ORDINANCE REGULATING THE CUTTING OF GRASS AND NOXIOUS WEEDS IN THE VILLAGE OF LAKEVIEW,
AND TO PROVIDE FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW.

THE VILLAGE OF LAKEVIEW ORDAINS:

SECTION I – Grass and Weed Control:

No owner of any lot, place, or area within the Village or the agent of such owner shall permit on such lot, place, or area, or upon any sidewalk abutting the same, any weeds, grass, or other noxious grass, that may be growing, lying, or located thereon.

SECTION II – Prohibited Acts:

I. No owner or agent shall allow growth of twelve (12) inches or more after May 1st of each year of cover grass on any lot, place, or area within the Village of Lakeview.

II. No owner or agent shall allow the growth of any weed or noxious grass on any lot within the Village of Lakeview.

III. No owner or agent shall allow the growth of any weed or noxious grass upon the sidewalk bordering the respective property line.

SECTION III – Nuisance:

The presence of any condition as defined in Section II shall serve as prima facie evidence of a violation of this ordinance.

SECTION IV – Notice and Remedial Action:

I. Upon determination of any existing violation as found in Section II by the Village Department of Public Works Supervisor and Village Chief of Police, the Supervisor and the Chief shall have the yard, area, or sidewalk cut or pruned to correct the violation.

II. The cost of these services shall be computed and the owner whose name appears on the local tax assessment records shall be notified of the amount of such cost by first-class mail at the address shown on the records. If he fails to pay, within thirty (30) days after mailing, said amount will be added to the next tax roll of the Village of Lakeview and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village of Lakeview.

SECTION V – Repealer Clause:

Any Ordinances or parts of Ordinances in conflict here-with are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION VI – Validity and Severability:

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portion of this Ordinance.

SECTION VII – Effective Date:

This Ordinance shall be effective thirty (30) days form and after its first publication.

Edward J. Jonaitis
Village President

VILLAGE OF LAKEVIEW

MONTCALM COUNTY, MICHIGAN

ORDINANCE NO. 05-01

ADOPTED: JULY 11, 2005

EFFECTIVE: JULY 16, 2005

PUBLISHED: JULY 15, 2005

AN ORDINANCE TO AMEND SECTIONS I, II, AND IV OF ORDINANCE 93-1, REGULATING THE CUTTING OF GRASS AND NOXIOUS WEEDS IN THE VILLAGE OF LAKEVIEW, AND TO PROVIDE FOR THE RECOVERY OF SUCH COSTS IN AN ACTION OF LAW.

THE VILLAGE OF LAKEVIEW ORDAINS:

Section 1. Section I of Ordinance No. 93-1 is hereby amended to read in its entirety as follows:

SECTION I – Grass and Weed Control:

No owner of any lot, place, or area within the Village or the agent of such owner shall permit on such lot, place, or area, or upon any sidewalk abutting the same, any weeds, grass, or other noxious grass, that may be growing, lying or located thereon.

For the purpose of this section, lot, place, or area shall include any lawn extension abutting the premises. The lawn extension is that area between the property line and the edge of roadway to include that area between the sidewalk and roadway curb.

Section 2. Section II of Ordinance No. 93-1 is hereby amended to read in its entirety as follows:

SECTION II – Prohibited Acts:

- I. No owner or agent shall allow growth of eight (8) inches or more after May 1st of each year of cover grass on any lot, place or area within the Village of Lakeview.
- II. No owner or agent shall allow the growth of any weed or noxious grass on any lot within the Village of Lakeview.
- III. No owner or agent shall allow the growth of any weed or noxious grass upon sidewalk bordering the respective property line.

Section 3. Section IV of Ordinance No. 93-1 is hereby amended to read in its entirety as follows:

SECTION IV – Notice and Remedial Action:

- I. If the Provisions of sections 1 and 2 of this Ordinance are not complied with, the Village Manager, or his duly authorized representative, shall notify the occupant and owner of the premise to comply with the provisions of said sections within a time to be specified in the notice, which shall be given in accordance with Section IV(b) of this Ordinance. Said notice

shall require compliance within five (5) days after service of such notice. If owner or occupant does not comply within the time limit, the Village Manager may cause such weeds, grass, and other vegetation to be removed or destroyed and the actual cost of such cutting, removal, or destruction may be computed and the owner whose name appears on the local tax assessment records may be notified of the amount of such cost by first-class mail at the address shown on the records. If owner fails to pay within thirty (30) days after mailing, said amount may be added to the next tax roll of the Village of Lakeview and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Village of Lakeview.

II. Notice of violation. Notice to the owner or occupant of a premises required to be given under Section IV(a) of this Ordinance shall be served by one of the following methods:

- a. Posting said notice in some conspicuous place on the premises;
- b. or mailing said notice to such person at last known address;
- c. or delivering the notice personally to the owner or occupant at his or her residence, office, or place of business with some person of suitable age and discretion.

III. Penalty for violation. Any person who fails to comply with this Ordinance shall have committed a civil infraction and may be ordered to pay a civil fine of not more than fifty dollars (\$50.00) for the first offense, one hundred fifty dollars (\$150.00) for the second offense, and five hundred dollars (\$500.00) for the third offense or any subsequent violation, and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

IV. Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

V. The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village Ordinance designated as a municipal civil infraction.

VI. The issuance of a citations shall not affect the right of the Village of Lakeview to proceed under Section IV(a) of this Ordinance. After the issuance of a citation, actions by the owner, occupant, or the Village of Lakeview to bring the property into compliance with this Ordinance shall not constitute a defense to a prosecution for a violation of this Ordinance.

Section 4. Severability. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, section, or clause is found to be unlawful by a court of competent jurisdiction the remainder of the Ordinance shall not be affected.

Section 5. Conflicting Ordinances. All Ordinances and parts of Ordinances in conflict with the provisions of the Ordinances are hereby repealed insofar as the conflicting portions thereof are concerned including, but not necessarily limited to, Village Ordinance No. 93-1.

Section 6. Publication. This Ordinance shall be published in a newspaper of general circulation within the boundary of the Village of Lakeview, Michigan and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Village and such recording authenticated by the Village President and the Village Clerk.

Section 7. Effective Date. This Ordinance shall take effect twenty (20) days after its adoption or upon its publication, whichever occurs first.

The foregoing Ordinance was offered by Village Council member Earhart, supported by Village Council member Lobert, the vote being as follows:

Yeas: Winter, Earhart, Farrell, Lobert, Lund, Collard, Schottle

Nays: None

Absent: None

Ordinance No. 05-01 Declared Adopted.

We certify that the foregoing Ordinance was adopted by the Village Council during a regular session at 7:30 PM on July 11, 2005.

Edwin Winter, Village President

Wally J. Delamater, Village Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Village Council of the Village of Lakeview, Montcalm County, at a regular meeting held on July 11, 2005, at the Village offices, pursuant to the applicable statutory procedures.

Wally J. Delamater, Village Clerk