

**Village of Lakeview
Ordinance #2019-05**

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; and to repeal all ordinances or parts of ordinances in conflict therewith.

Section 1: Title

This Ordinance shall be known and cited as the "Grass and Noxious Weeds Ordinance" of the Village of Lakeview

Section 2: 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 3: Prohibited Acts

1. 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.
2. No owner or agent shall allow the growth of any weed or noxious grass on any lot within the Village of Lakeview.
3. No owner or agent shall allow the growth of any weed or noxious grass upon sidewalk bordering the respective property line.

Section 4: Notice and Remedial Action:

1. If the Provisions of sections 1 and 2 of this Ordinance are not complied with, the Village Manager, or any police officer of the Village of Lakeview, 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 4 (2) 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.
2. 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:

- Posting said notice in some conspicuous place on the premises;
- or mailing said notice to such person at last known address;
- 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.

3. 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).
4. 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.
5. 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.
6. The issuance of a citation 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 5: 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 6: Ordinances Repealed

Ordinances 93-1, 05-01, are repealed in their entirety, and are of no further force of effect.

Section 7: Effective Date

This ordinance shall take effect from and be in force upon the expiration of 20 days after the date when the notice of adoption for this Ordinance is published in a newspaper of general circulation in the Village of Lakeview.

We, the undersigned President and Clerk of the Village of Lakeview, Montcalm County, State of Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance #2019-05 "Grass and Noxious Weeds Ordinance" of the Village of Lakeview, was adopted in the following manner with at least seven days elapsing between the publication of the public hearing for the Ordinance and the enactment by the Village Council at a regular or special meeting of the Lakeview Village Council, offered by councilmember Lund, and seconded by councilmember Trevino. Originally introduced by councilmember _____.

Village Council Introduction	
Village Council Enactment	
Ordinance Publication & Effective Date	

The vote to adopt this Ordinance was taken by roll-call with the "yeas" and "nays" recorded as such.

YEAS: Lund, Case, Trevino, Saxon, Lober, and Fry over

NAYS: _____

ABSTAIN: _____

ABSENT: Hutteman

Dated at Lakeview, Michigan, this 11 day of March, 2019.



Village Council President
David Lund



Village Clerk
Melissa King