

## **REVISED ORDINANCE NO. 62**

THIS ENACTMENT IS A REVISION RENUMBERING AND REPLACING ORDINANCE NO. 1993-1 BEING A REVISED ORDINANCE FOR THE REMOVAL AND THE CONTROL OF NOXIOUS WEEDS, GRASS, AND BRUSH GROWTH WITHIN THE VILLAGE OF SHERIDAN, AND TO REVISE AND/OR REPEAL PRIOR ORDINANCES.

**THE VILLAGE OF SHERIDAN, MONTCALM COUNTY, MICHIGAN ORDAINS:**

### **CHAPTER 62 .1 ESTABLISHMENT AND RENUMBERING OF REVISED ORDINANCE**

62.101 This Revised Ordinance No. 62 was formerly Ordinance No. 1993-1.

62.102 This Revised Ordinance shall be known as the "Village of Sheridan Removal and Control of Noxious Weeds, Grass and Brush Ordinance".

62.103 The authority for this Revised Ordinance is for the protection, public health, safety, and welfare of the residents of the Village of Sheridan.

62.104 Consistent with the letter and spirit of Public Act 347 of 1941 as Amended (MCL 247.61 – MCL 247.72), the purpose of this Revised Ordinance is to make it unlawful and to prohibit any owner of any lot, place or area within the Village of Sheridan, or the agent of such owner of any lot, place or area or upon any sidewalk abutting the same, any weeds, grass, brush and/or deleterious unhealthful growths, or noxious matter that may be growing, lying or located thereon.

### **CHAPTER 62.2 CONTROL OF PROHIBITED AND UNLAWFUL WEEDS, GRASS BRUSH AND/OR DELETERIOUS UNLAWFUL GROWTH**

62.201 Consistent with the purpose of this Revised Ordinance any person, firm and/or corporation or the agent representing such person, firm and/or corporation owning or occupying any property within the Village of Sheridan, shall be responsible to cut, destroy and remove or cause to be cut, destroyed and removed from said land all noxious and poisonous weeds growing thereon, and dead grass and brush thereon, at

least twice in each year, once within the week beginning June 1<sup>st</sup>, and once within the week beginning August 15<sup>th</sup>, to prevent such weeds from growing to seed or to blossom, as the case maybe, and prevent such dead grass and brush from becoming a fire hazard.

62.202 No person, firm or corporation or agent of a person, firm or corporation within the Village of Sheridan shall permit or allow or permit the growth of grass, weeds, brush or vegetation whatsoever, not eatable or planted for some useful or ornamental purposes, to grow or permit to grow or remain upon such premises not to exceed the height of six (6) inches or more or as such may throw off any unpleasant or obnoxious odor; nor allow such growth of grass, brush or weeds on any sidewalk in the Village of Sheridan, abutting such lot or area.

62.203 The owner of the premises, as to vacant premises or premises occupied by the owner and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the first section of this ordinance. In the event that the Code Enforcement Officer is required to post two consecutive postings annually for this violation at a specific residence that is abandoned or in foreclosure, the DPW Superintendent is hereby automatically authorized and empowered to pay for the cutting, destroying, and or removing of such weeds, grass or deleterious, unhealthful growths, or other noxious matter, or to order the removal by the Village without the posting requirements by the Code Enforcement Officer for this violation.

62.204 Grass, weed, and brush growth, within the Village of Sheridan shall be monitored by the Village Code Enforcement Officer and/or the Supervisor of the Village Department of Public Works, and shall be controlled as is hereinafter set forth.

### **CHAPTER 62.3 NOTICE TO CUT, DESTROY AND REMOVE**

62.301 The City Clerk on or before the fifteenth (15<sup>th</sup>) day of May each year and the fifteenth (15<sup>th</sup>) day of July each year, give notice requirement and provisions of this Chapter by publishing notice thereof in a newspaper of general circulation within the Village of Sheridan.

62.302 Said notice as referred to in Section 62.301 shall consist of two publications regarding the time for cutting the noxious weeds as defined in Chapter 62.2, which shall state:

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## PUBLIC NOTICE

### VILLAGE OF SHERIDAN, MONTCALM COUNTY, MICHIGAN

#### Notice to Cut, Destroy and Remove

Pursuant to Revised Ordinance No 62 it shall be the duty of each and every landowner, occupant, or any firm or corporation or agent of a person, firm or corporation, or person in possession of any real estate within the Village of Sheridan to cut and destroy and remove all weeds, grass, brush and/or deleterious unhealthful growths, or noxious matter that may be growing within ten days from the date of this publication. If grass, noxious weeds and/or brush are not cut within ten days and as often thereafter as necessary, the duly authorized individual engaged by the Village of Sheridan may enter upon the land and cause such weeds to be cut and destroyed.

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62.303 Notice regarding the cutting and removal of noxious weeds or grass from any individual property shall be served by the Village Code Enforcement Officer by one of the following ways:

- 62.3031 By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;
- 62.3032 By mailing such notice by regular first class mail, with proof of mailing to such owner at his or her last known address; or
- 62.3033 If the owner is unknown, by posting such notice in some conspicuous place on the premises for seven (7) days before the action concerning which notice is given.

#### CHAPTER 62.4 ACTION UPON NON COMPLAINE

62.401 In the event the owner of the premises, be it vacant or occupied, and or the occupant in the case of the premises is occupied by a person other than the owner, shall fail to remove, trim, cut all grass, weeds, brush or other vegetation growing or remaining upon such premises in violation of the provisions of this Revised Ordinance shall be noncompliant and fail to cut or remove such growth, then in that event after proper notice is given pursuant to Chapter 3 of this Revised Ordinance, the DPW Superintendent is hereby automatically authorized and empowered to pay for cutting, destroying, removing such weeds, grass, brush or other deleterious, unhealthful growth

or other such noxious matter or the removal by the Village without posting requirements by the code enforcement office for this violation.

62.402 In the event that the Supervisor shall find grass, weeds, or brush growth, exceeding 6" as noted above, on any lot, area, place or sidewalk within the Village, the Supervisor shall have the offending area cut or pruned to correct the violation.

62.403 The cost of this cutting or pruning shall be computed and set by the Village Council in the form of a Resolution as may be necessary from time to time.

62.404 The owner whose name appears on the local tax assessment roll for the area cut or pruned, or for the area abutting the sidewalk which is cut or pruned, shall be notified of the amount of such cost by first class mail at the address shown on the records.

62.405 If payment for the cutting or pruning is not made within thirty (30) days after this mailing, the cost of same will be added to the next tax roll of the Village of Sheridan 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 Sheridan pursuant to Chapter 62.5.

#### **CHAPTER 62.5 CHARGE INCLUDED IN TAX BILL**

In the event that the Village has affected the removal of such noxious growth or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of one per cent (1%) per month from the date of completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Village, and said charge shall be due and payable by said owner at the time of payment of such tax bill.

#### **CHAPTER 62.6 RECORDED STATEMENT CONSTITUTES LIEN**

Where the full amount due the Village is not paid by such owner within sixty (60) days after the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths, or other noxious matter, as set forth in Chapter 5 above then, in that case, the Village Clerk shall cause to be recorded in the Treasurer's office of the Village a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of Court, if any, for collection until

final payment has been made; said cost and expense shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of one per cent (1%) per month in the event same is not paid in full on or before the date the tax bill upon which such charge becomes delinquent: sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

## **CHAPTER 62.7 PENALTY ALTERNATIVES**

### **62.701 Civil Infractions enforcement in District Court:**

62.7011 The penalty for this Revised Ordinance shall a civil infraction with a maximum fine not more than \$500.00.

62.7012 Each separate violation of this Revised Ordinance shall be considered a separate offense.

### **62.702 Misdemeanor enforcement in District Court:**

62.7021 Any person, firm, or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this Revised Ordinance shall be guilty of a misdemeanor and the penalty for which shall be a fine of not less than \$50.00 not more than \$500.00 and cost of prosecution.

62.7022 Each separate violation of this Revised Ordinance shall be considered a separate offense.

### **62.703 Civil Enforcement in Circuit Court.**

62.7031 Violation of this Revised Ordinance or any provision thereof is hereby declared to be a public nuisance per se (Pursuant to MCL 125.3407), and may be abated by order of any civil court of competent jurisdiction at the discretion of the Village pursuant to MCL 600.2940, via injunctive and declaratory relief.

62.7032 The Code Enforcement Officer shall inspect each alleged violation and shall order correction in writing to a persistent violator of all conditions found to be in violation of this Revised Ordinance as determined by the Code Enforcement

Office which shall be reported to the Village Council and civil enforcement procedures may be initiated in Circuit Court.

62.704 In the addition to the penalties and remedies set forth above, the Village reserves the right, after notice to the owner/occupant of the lands in violation of this Revised Ordinance, to direct the appropriate officer, employee or other agent of the Village to remedy the condition which is causing the violation.

62.7041 All cost and expense incurred by the Village in so doing shall be a lien against the real property and shall be reported to the Village Assessor who shall assess the same against the real property on which the violation was located.

62.7042 All owners or other interested parties of said real property whose names appear upon the most recent local tax assessment records shall be notified of the cost to the Village by first class mail at the address shown on the records.

62.7043 In the event that payment is not made within 30 days, the Assessor shall add the unpaid amount to the next tax roll of the Village and it shall be considered as a lien until paid, 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 pursuant to the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, et seq.).

#### **CHAPTER 62.8 SEVERABILITY**

The provisions of this Revised Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

#### **CHAPTER 62.9 CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED**

62.901 On the effective date as set forth in Chapter 62.10, after the adoption of this Revised Ordinance, Ordinance Number 1993-1 as originally adopted on June 1, 1993, shall be superseded as revised and repealed in its entirety.

62.902 All other ordinances, amendments, or provisions thereof, which may be inconsistent or in conflict with this Revised Ordinance are hereby repealed.

**CHAPTER 62.10 EFFECTIVE DATE**

This Revised Ordinance shall become effective thirty days after publication of the Revised Ordinance or thirty days after publication of a summary of its provisions in a local newspaper of general circulation pursuant to Chapter 62.11. During these thirty days, the Ordinance as it now reads shall remain effective, and thereafter shall be superseded pursuant to Chapter 62.9 of this Revised Ordinance.

**CHAPTER 62.11 PUBLICATION**

This Revised Ordinance was published in the Greenville Daily News on August 20, 2015, 2015, pursuant to Statutory Requirement.

**VILLAGE ADOPTION CERTIFICATION**

We the undersigned, as Village Council President and Clerk of the Village of Sheridan, Michigan, do hereby certify that this Revised Ordinance No. 62 of the Village of Sheridan was introduced at a regular meeting of the Sheridan Village Council held on 7-14, 2015 and was thereafter adopted at a regular meeting on 8-11, 2015 by a vote of by a vote of six (6) for; 0 (0) against; and one (1) abstaining.

  
Susan Wyckoff-McFarland, Village Council President

  
Marilyn Klemm, Village Clerk