

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-104.09

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 21, "NUISANCES," ARTICLE II, "RELATED TO PROPERTY," DIVISION 1, "LOT CLEARING," IN ORDER TO REVISE THE ADMINISTRATIVE FEE FOR GRASS/WEED MOWING BY THE CITY ON PRIVATE PROPERTY AND CLARIFY THE PROPERTIES TO WHICH THE REQUIREMENTS ARE APPLICABLE.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 21, "Nuisances," Article II, "Related to Property," Division 1, "Lot Clearing," of the City of Novi Code of Ordinances is hereby amended to read as follows:

Secs. 21-16 through 21-19 [Unchanged]

Sec. 21-20 General notice by publication to owner, occupant to abate.

It is hereby made the duty of the building official or ordinance enforcement officer, or their designee, to give general notice to every owner, occupant, or any person having control or management of any subdivided land or lots, or any other non-subdivided parcel of land which is occupied by a structure, as provided section 21-22, wherein noxious weeds or any weeds, grass, brush, or deleterious, unhealthy growths exceeding a height of eight (8) inches growing, standing or present to cut down, destroy or remove same. Such general notice shall be made by publication in the official newspaper of general circulation in city at least twice in each year, once during first half of the month of May and again during the first half of July of each year, and shall read substantially as follows:

CITY OF NOVI
NOTICE OF PROVISIONS OF THE
NOXIOUS WEED ORDINANCE

TO: All owners, occupants or possessors of subdivided lands or lots:

NOTICE IS HEREBY GIVEN that in accordance with Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be, at least twice in each year, once during the last half of the

month of May and again during the last half of July of each year and more often as may be necessary.

If the owner or occupant, or any person or persons, agent, firm, or corporation having control or management of any subdivided land or lots or any other non-subdivided parcel of land upon which any building or buildings have been erected shall fail, refuse, or neglect to comply with the above mentioned Code provisions, the city shall cause the weeds, grass, brush, deleterious, unhealthy growths, rubbish, to be cut down, destroyed, or removed. Provided, further, that any lands which are situated within the floodplains or any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses shall be exempted from the provisions of such Code provisions. The expense incurred by the City in the cutting, destruction, or removal of same, together with an administrative charge established pursuant to resolution of City Council, will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements set forth in Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same, and liability to the extent of the penalty therein provided.

_____, 20____

/s/ _____
Building Official/Ordinance
Enforcement Officer
City of Novi

Sec. 21-21. Specific notice by first class mail to owner to abate.

In addition to the general notice requirements set forth in section 21-20, it is hereby made the duty of the building official or ordinance enforcement officer, or their designee, to give a specific notice in writing, by first class mail, to every person shown on the tax assessment rolls of the city as owner of any lands or lots as provided in section 21-22 wherein noxious weeds, or any weeds, grass brush, or deleterious, unhealthy growths are growing, standing or present in violation of this division to cut down or remove same within ten (10) days, which notice shall read substantially as follows:

Name and Address
Description

NOTICE OF PROVISIONS OF THE NOXIOUS WEED AND REFUSE ORDINANCE

According to the Assessment records of this City, you appear to be the owner of the above described property which is subject to the provisions of Chapter 21, Article II, Code of Ordinances, City of Novi, Michigan.

Notice is hereby given that in accordance with the aforementioned Code provisions that all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths, exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be on or before the _____ day of _____, 20____;. The obligation to remove all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths in excess of eight (8) inches shall be deemed continuous and lasts until October 15th of this year.

In the event of failure to comply with this notice on or before the date mentioned, and on each occasion thereafter when such weeds, grass, brush, deleterious, or unhealthy growths are permitted to exceed eight (8) inches in height, in accordance with the above Code provisions, the city shall cause the weeds, grass, brush, deleterious, or unhealthy growths to be cut down, destroyed, or removed. The expenses incurred by the city in each cutting, destruction, or removal of same, together with an administrative charge established pursuant to resolution of the City Council, will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements of Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same and liability to the extent of the penalty therein provided.

_____, 20____

/s/ _____
Building Official/Ordinance
Enforcement Officer
City of Novi

Sec. 21-22 Abatement by city

- (a) If the owner, occupant, or any person having control or management of any subdivided land in a subdivision or condominium development, including site condominiums, has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land or lots for the purpose of accomplishing abatement of the violation by, cutting by the City of Novi or its duly authorized agent. If the owner, occupant, or any person having control or management of any non-subdivided land has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land for the purpose of accomplishing abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the City of Novi.

- (b) The provisions and requirements of this section do not apply to any lands which are situated within the floodplains of any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses or any lands devoted to growing any grain crop.
- (c) In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the City of Novi and cannot be established, the city shall refer the matter to the county board of commissioners regarding any abatement or enforcement measures.
- (d) All expenses incurred by the city in the performance of any work performed under the provisions of this division shall be reimbursed by the owner of such land or lots, and in cases where not paid, the city shall have a lien for same in the manner provided in this division.
- (e) For purposes of this Division, the Building Official shall have all of the duties and responsibilities, and authority, of the Commissioner as provided in Act 359 of Public Acts of 1941.

Sec. 21-23. Reimbursement to city.

- (a) Whenever the city shall enter upon any parcel of land in order to accomplish abatement of an existing violation, pursuant to provisions of this division, the building official or code enforcement officer, or their designee, is hereby authorized and directed to keep an accurate account of all expenses incurred, and based upon same issue a certificate determining and certifying the reasonable cost involved for such work with respect to each parcel of property. Actual costs may vary from year to year based on contracts entered into by the city for such abatement work.
- (b) The building official or code enforcement officer, or his or her designee, is also authorized to add to such costs an administration charge established pursuant to resolution of the City Council to cover the expenses of administering the work performed, costs of publication, overhead and other contingent expenses.
- (c) Within ten (10) days after receipt of the certificate, the city treasurer shall forward a statement of the total charges assessed on each parcel of property to the person as shown by the last current assessment or tax roll and such assessment shall be payable to the city treasurer within thirty (30) days from the date the statement was forwarded.
- (d) If not paid within the prescribed thirty-day period, such statement shall be filed with the city assessor and shall thereupon be assessed against the land in question and become a lien on such property in accordance with the provisions of Chapter 11 of the City Charter. Such amount shall be a debt of the person to

whom assessed until paid and, in case of delinquency, may be enforced as delinquent city property taxes or by a suit against such person.

- (e) Such amounts as are paid to the city under the provisions of this division shall be deposited into a special fund to be known as the "weed and refuse fund" and these monies may be drawn upon by the building official for the purpose of defraying the expenses incurred by the building official or code enforcement officer, or their designee, in the performance of such work as may be necessary to accomplish abatement of violations in the manner specified in this division.

Secs. 21-24 through 21-34. [Unchanged]

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the 6th day of October, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 6th day of October, 2014.

Maryanne Cornelius, City Clerk

Adopted: 10/06/2014
Published: 10/16/2014
Effective: 10/21/2014

Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 7th day of October, 2014.

- | | | |
|----|----------------|---------------------|
| 1. | Novi City Hall | 45175 Ten Mile Road |
| | Novi Library | 45255 Ten Mile Road |

I do further certify that on the 16th day of October, 2014 said Ordinance Text Amendment 14-104.09 was published in brief in the Novi News, a newspaper published and circulated in said City.

Maryanne Cornelius, City Clerk