

VILLAGE OF AUGUSTA

ORDINANCE NO. 193

ADOPTED: July 28, 1969

EFFECTIVE: August 26, 1969

An ordinance to secure the public health, safety and welfare of the residents and property owners of the Village of Augusta, Kalamazoo County, Michigan, by the control, regulation and eradication of certain weeds and growth upon property located within the Village limits; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF AUGUSTA, KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

Section 1. Name. This ordinance shall be known and cited as the Village of Augusta Weed and Uncontrolled Plant Growth Ordinance.

Section 2. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, dodders, mustards, wild carrot weed, bindweed, hoary asylum, poison ivy and poison sumac, or other weeds of a like kind, found growing in any lot or tract of land within the boundaries of the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

Section 3. It shall be unlawful for anyone to permit any weeds, grass or plants other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding twelve (12") inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

Section 4. It shall be the duty of the Chief of Police to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance within ten (10) days.

Ordinance No. 103 Continued.

Section 5. If the person so served does not abate the nuisance within ten days the Village of Augusta may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant. The Village of Augusta shall have a lien against such land or lands for such expense, which lien shall be enforced in the manner now provided by law for the enforcement of mechanics liens. In addition, any such expense incurred by the Village concerning land located within platted subdivisions in which buildings have been erected upon sixty (60) per cent or more of the lots thereof or concerning land located along improved streets within the Village to a depth of 165 feet or to the depth of the ownership, whichever is less, the Village shall have a lien upon such land for such expense, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the Village and assessment as a general Village tax. Such expense shall be subject to all interest and penalties provided for taxes due and collectible within the Village under the general tax laws of the State of Michigan.

Section 6. Nothing in this ordinance shall apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye.

Section 7. In the event the owner or owners can not be determined or notified as herein provided, after due diligence to do so, substitute notice can be given to the occupants of the premises, or in the event of vacant, unoccupied land, by publication in a newspaper of general circulation within the Village, once at least ten (10) days prior to the destruction or cutting of the weeds by the Village. Such latter notice shall be deemed compliance with the notice requirements of this ordinance.

Section 8. Penalty. Any person, persons, firm or corporation violating any provision of this ordinance shall upon conviction be subject to a fine of not more than \$100.00 or a sentence of not more than 90 days imprisonment, or both such fine and imprisonment at the discretion of the court. Such fines and penalties shall be in addition to the assessment of the costs of abatement of the nuisance incurred by the Village.

Section 9. Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

Section 10. Severability. The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or

Ordinance #103 (Continued)

subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

Wayne TerBerg
Wayne TerBerg, President
Village of Augusta

Doris Brooks
Doris Brooks, Clerk
Village of Augusta

Ordinance No. 103 was offered by council member Shirley, supported by council member Kelly, the vote on said ordinance was unanimous.

I, Doris Brooks, Clerk of the Village of Augusta, did post notice of said Ordinance on the 29th day of July, 1969, at the U. S. Post Office, Village Hall Bulletin Board and Askler's Pharmacy.

Doris Brooks
Doris Brooks, Clerk
Village of Augusta