

VILLAGE OF FARWELL
CLARE COUNTY, MICHIGAN
ORDINANCE NUMBER 1993-5

An Ordinance enacted pursuant to the authority granted at MCL 66.1 et seq. and MCL 63.1 et seq., to prohibit and regulate the growth of weeds, grass or deleterious, unhealthful growths, growth of noxious matter within the Village of Farwell; to preserve, promote, and protect the health, safety and general welfare of the persons and property within the Village; to provide for the enforcement hereof and to provide penalties for the violation hereof, including a provision that a violation will constitute a misdemeanor; to establish that a violation shall be a public nuisance, and to provide for the enforcement of the Ordinance.

THE VILLAGE OF FARWELL, CLARE COUNTY, MICHIGAN ORDAINS:

Section 1.0 TITLE

This Ordinance shall be known and cited as the Village of Farwell Weeds and Noxious Growth Ordinance and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

Section 2.0 PURPOSE

It is the purpose of this Ordinance to promote the general health, safety and welfare of the residents and property owners of the Village of Farwell by prohibiting and regulating the growth of weeds, grass or deleterious, unhealthful growths or other noxious matter to grow, within the Village of Farwell.

Section 3.0 UNLAWFUL BEHAVIOR

No owner of any lot, place or area within the Village of Farwell, 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 deleterious, unhealthful growths, or other noxious matter, that may be growing, lying or located thereon.

3.1 The Village Clerk is authorized to publish a notice in the newspaper of general circulation in the Village by March 31 of each year that any weeds, grass or deleterious unhealthful growths or other noxious matter which are higher than 12 inches in height at any time after May 1 shall be cut, removed or destroyed.

3.2 Any weeds, grass or deleterious unhealthful growths or other noxious matter which are higher than 12 inches in height after May 1 may be cut by representatives of the Village Council. The Village Council may cause a property to be mowed as many times as necessary in order to meet the standards of the Ordinance.

3.3 When the Village has effected the removal of such obnoxious growth or has paid for its removal the actual cost thereof, plus accrued interest at the rate of 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.

3.4 Where the full amount due to the Village is not paid by such owner within 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 sub-sections 3.1 and 3.2 above, then, and 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 recondition 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 costs of court, if any, for collection until final payment has been made, said costs and expenses shall be collected in the manner fixed by law for delinquent penalty of 1% per month in the event same is not paid in full on or before the date the tax bill upon which said charge appears 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.

Section 4.0 ENFORCEMENT

The Village of Farwell Ordinance Enforcement Officer, or the Village of Farwell Council, collectively or individually, are charged with enforcement of this Ordinance as more fully set forth herein.

Section 5.0 MISDEMEANOR

Any person who shall violate any of the terms of this Ordinance shall, upon civil conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than five hundred and no/100ths (\$500.00) dollars or to imprisonment for a period of not more than ninety (90) days, or both, plus costs of prosecution.

Section 6.0 NUISANCE PER SE

Any violation of the provisions of this Ordinance shall constitute a nuisance per se and be subject to action in circuit court to abate the nuisance and enforce the provisions of this Ordinance.

Section 7.0 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section 8.0 MISCELLANEOUS

All ordinances, resolutions, or orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, repealed.

Section 9.0 EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Steven Grim, President
Nancy Thrush, Clerk

CERTIFICATION OF ADOPTION OF VILLAGE ORDINANCE

I, Nancy Thrush, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Village of Farwell Council on the 12th day of July, 1993, at which meeting the following named members of the council were present and voted in person as follows:

- (A) Voting in favor of adoption of the Ordinance:
C/Marshall, C/Schofield, C/Whaley, C/Brewer, & Pres. Grim.
- (B) Voting against the adoption of Ordinance:
C/Allan

Certification Date: October 4, 1993 Nancy Thrush, Clerk

I, Nancy Thrush, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that this Ordinance was published in the Clare Sentinel a newspaper of general circulation within the Village on the 26th day of October, 1993, and that this Ordinance and the Publisher's Affidavit hereto attached are filed in the Village of Farwell Ordinance Book on the date of this Certificate, such date being within one week after the first of such publication.

Certification Date: November 2, 1993 Nancy Thrush, Clerk

