

**CITY OF AUGRES
ORDINANCE
FOR GRASS AND NOXIOUS WEEDS**

An Ordinance to provide for the cutting down and destruction of grass and noxious weeds, within said City of AuGres, and to provide a penalty for failure to comply therewith.

Section 1. GRASS AND WEEDS. Declared a nuisance. Any weeds such as, jimson, burdock, ragweed, thistle, cocklebur, milkweed, or other noxious weeds of a like kind found growing in any lot or tract of land in the City of AuGres are hereby declared to be a nuisance, and it shall be unlawful to permit any such grass and weeds to grow or remain in any such place.

Section 2. HEIGHT. Grass and weed growth on lots adjacent to residential uses may not exceed six inches. Grass and weed growth on lots adjacent to non-residential property may not exceed eight inches. Grass and weed growth in excess of these limits will be cause for the City employees to enter private land and cause such grass and weeds to be cut down and destroyed.

Section 3. NOTICE. The City shall publish once per year a Public Notice in the ARENAC COUNTY INDEPENDENT, in the following form:

**PUBLIC NOTICE
CITY OF AUGRES
NOTICE TO CUT & DESTROY
ALL GRASS AND NOXIOUS WEEDS**

It shall be the duty of each owner, possessor or occupier of land, and every person having charge of any land within the City to cut or remove and destroy all grass and noxious weeds on or before May 15 of each year.

If grass and weeds are not cut by May 15, and as often thereafter as necessary, the duly authorized contractor engaged by the City may enter upon the land and cause all such weeds to be cut down and destroyed.

Grass and weed growth on lots adjacent to residential uses may not exceed six inches. Grass and weed growth on lots adjacent to non-residential property may not exceed eight inches. Grass and weed growth in excess of these limits will be cause for the City's Contractor to enter private land and cause such grass and weeds to be cut down and destroyed. All expenses of such cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carrying out the requirements shall be paid by the owner of such land plus an administrative service charge of \$100.00 per parcel, per cutting or destroying.

Section 4. ABATEMENT. It shall be the duty of each owner, possessor or occupier of land, and every person having charge of any land within the City to cut or remove and destroy all grass and noxious weeds on or before May 15 of each year.

If grass and weeds are not cut by May 15, and as often thereafter as necessary, the duty authorized contractor engaged by the City may enter upon the land and cause all such weeds to be cut down and destroyed.

Section 5. EXPENSES. All expenses of such cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements shall be paid by the owner of such land plus an administrative charge of \$100.00 per parcel, per cutting or destroying.

Section 6. LIEN. Charges for abatement of the grass and weeds by the City contractor shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the City Clerk may file with the Register of Deeds of Arenac County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the City claims a lien for this amount.

Notice of such lien claim shall be mailed to the owner of the premises on the City tax roll at the last known address. Provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose therein for such charges.

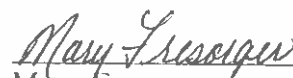
Section 7. FORECLOSURE OF LIEN. Property subject to a lien for unpaid grass and weed abatement charges shall be sold for non-payment of the same and proceeds of such sale shall be applied to pay the charges after deducting costs and actual attorney fees incurred by the City of Au Gres. Such foreclosure shall be in equity in the name of the City of Au Gres.

Section 8. EFFECTIVE DATE. This ordinance shall be effective immediately upon publication.

This ordinance adopted 3rd day of July, 1997.



Lavern Dittenber, Mayor


Mary Fresorger

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Published 7/9/97

CITY OF AUGRES

ORDINANCE No. 22
FOR
PLANTS AND WEEDS

An Ordinance to provide for the cutting down and destruction of noxious weeds, within said City of AuGres, and to provide a penalty for failure to comply therewith.

Section 1. Weeds - declared a nuisance. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, milkweed or other noxious weeds of a like kind, found growing in any lot or tract of land in the City of AuGres 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 2. Height. 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 inches anywhere in the city; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

Section 3. Barberry bushes. It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European barberry, further known as Berberis vulgaris or its horicultural varieties within the City of AuGres.

Section 4. Removal - notice. It shall be the duty of the City Clerk to serve or cause to be served a notice upon the owner or occupant or 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 days.

Section 5. Abatement. If the person so served does not abate the nuisance within ten days the City 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.

Section 6. Lien. Charges for such weed ~~abatement~~ shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the clerk may file with the Register of Deeds of Arenac County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the city claims a lien for this amount.

Notice of such lien claim shall be mailed to the owner of the premises on the City tax roll at the last known address.

Provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following section.

Section 7. Foreclosure of lien. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the City of Au Gres.

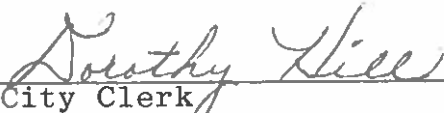
Section 8. Any owner, possessor or occupier of land, within said City of AuGres, or any person or persons, firm or corporation having charge of such lands who shall fail to conform to the provisions of this ordinance, shall upon conviction in any court of competent jurisdiction be liable to a fine of not less than Five Dollars (\$5.00), nor more than Twenty-five Dollars (\$25.00), and costs of prosecution, for every such offense, and in default of payment thereof, may be confined in the County Jail, in the County of Arenac, Michigan, for a period of not to exceed ten (10) days.

This ordinance shall be effective thirty (30) days after adoption.

This ordinance adopted the 5th day of March, 1981.



Mayor



City Clerk