

# Notice to Cut and Keep Cut Weeds and Grasses



Notice to any owner of land and any tenant or occupant of land situated in the City of Bangor, Van Buren County, Michigan.

City Ordinances require every landowner owning land within the City of Bangor to cut down or cause to be cut down and keep cut down all grasses and weeds throughout the summer and fall. This is to keep them from becoming a nuisance, going to seed, or becoming a nuisance. Un-mowed weeds and grasses are unsightly, unhealthy, and detract from property values. They also provide a haven for rats and other vermin.

For the purpose of this ordinance, grasses and weeds in need of continual mowing or cutting are all grasses and the following weeds; thistle, dodders, mustard, wild carrots, bindweed, sow thistle, poison ivy, poison sumac, and other plants are regarded as common nuisance.

Failure to comply with this notice at any point after May 1 of each year shall make any landowner liable for costs of cutting or destroying noxious weeds and grasses by the City of Bangor. The costs shall be billed to the landowner and if not paid shall be levied against the property and collected in the same manner as City taxes. All charges for cutting weeds and grasses shall remain a lien against the land upon which the weeds and grasses were cut until paid.

WHAT THIS MEANS: Starting May 1, the City has a right to cut your grasses and weeds or have the weeds destroyed and bill you for the costs. The first time the City cuts your weeds and grasses is a \$ 75 charge, the second time in the same year the cost is \$ 100, and the third time in the same year is \$ 135. The rate is by each hour. The minimum charge is \$75.

Please, be a good neighbor and cut your own grasses and weeds throughout the year.  
Thank you.

## **ORDINANCE NUMBER 265**

### **NUISANCE OF WEEDS AND GRASSES**

AN ORDINANCE TO AMEND CHAPTER 95 UNDER TITLE IX, GENERAL REGULATIONS OF THE CITY OF BANGOR CODE OF ORDINANCES AND ESTABLISH THE PROCESS AND PROCUDERS REQUIRED TO CUT OR DESTROY NOXIOUS WEEDS AND GRASSES ON PARCELS WITHIN THE CITY OF BANGOR.

## **THE CITY OF BANGOR HEREBY ORDAINS:**

### **95.00 WEEDS AND GRASSES**

#### **95.01 DEFINITIONS.**

(a) Terms Defined. As used in this chapter:

- (1) "Code Enforcement Officer" shall mean the duly appointed and acting Code Enforcement Officer, the City Manager, or law enforcement officer of the City of Bangor.
- (2) "Cost" shall be the amount of the established rate as established by the City Council and which shall include the expense of surveying the lots upon which weeds are growing, the expense of notices and signs, posts for signs, printing, mailing, equipment charges, disposal charges, and actual personnel expenses incidental to the cutting of weeds.
- (3) "Council" and "City Council" shall mean the duly elected legislative body of the City of Bangor.
- (4) "Grasses" shall include any variety of lawn grasses usual and customary to lawns.
- (5) "Lot or parcel of land" shall mean any subdivision, lot or portion thereof as officially platted or any unplatted parcel of land as may be described upon official records. Lot or parcel of land shall include the 'tree lawn' that may be in the public right-of-way is also considered part of the property owners responsibility for mowing.
- (6) "Noxious grasses and weeds" shall include any uncut grasses over the height of eight inches (8 ") as well as Canada thistle (*circium arvense*), doddars (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* 1) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicon-dendron Vernix*), rank vegetable growth which emits unpleasant, unhealthy or noxious odor or pollen, and any high weeds or vegetable growth which might conceal rodents, vermin, snakes, infestation of insects, rubbish, waste materials or filthy deposits.
- (7) "Owner" shall mean the last recorded titleholder of any lot or parcel of land or the person whose name is listed last upon the City tax roll as owner of a certain lot or parcel of land.
- (8) "Person" shall include an individual, group, partnership, firm, association, corporation or congregation.

(b) Rules of Construction. Singular words shall include the plural, and masculine words shall include the feminine and the neuter.

#### **95.02 PERMITTING NOXIOUS WEEDS AND GRASSES**

No owner, occupant or person having charge of any lot or parcel of land within the City shall permit or allow noxious weeds and grasses to grow thereon or unattended to a height of more than eight inches (8") or permit any noxious weeds or grasses to ripen or reach seed bearing stage.

#### **95.03 CUTTING AND DESTROYING NOXIOUS WEEDS AND GRASSES**

No owner, occupant or person having charge of any lands within the limits of the City upon which noxious weeds and grasses are growing or standing shall fail, neglect or refuse to cut and destroy or cause to be cut and destroyed all noxious weeds growing or standing on said premises.

#### **95.04 DECLARATION OF PUBLIC NUISANCE.**

The presence of noxious weeds and grasses upon any lot or parcel of land within the limits of the City is hereby declared to be a public nuisance, and shall be a violation of this chapter by the owner, occupant or person having charge of said lot or parcel of land.

#### **95.05 NOTICE REQUIRED.**

It is hereby made the duty of the Code Enforcement Officer to give general notice to every owner, occupant or person having charge of any lands in the City wherein noxious weeds and grasses are growing, to cut and destroy the same, in the following manner:

A Notice to cut and keep cut noxious weeds and grasses shall be published in a shopper or paper of general circulation within the City. Such published notice shall be printed before the end of March each year.

Notice that all noxious weeds and grasses must be cut on or before the date set by the Code Enforcement Officer shall be given to each owner of or party in interest in property whose name appears on the last local assessment records of the City, by mailing such notice by first class mail addressed to such owner or party in interest at the address shown on the said tax record at least five (5) days prior to the date upon which the weeds must be cut. A second notice shall be required should the same lot or fail to cut and keep cut noxious weeds and grasses in the same calendar year. There shall be an additional for the second and each subsequent notice required to be sent in any calendar year. The charge shall be determined and collected in the same manner as set forth in this Chapter.

A sign shall be posted at each property indicating that the owner, occupant or person having charge of the land has five (5) days to cut or otherwise bring the property into compliance with this ordinance or the City shall cause the land to be mowed and brought into compliance with costs charged to the owner.

#### **95.06 FORMS OF NOTICE.**

(a) The Annual Notice for publication may read as follows:

##### NOTICE TO CUT WEEDS

"Notice is hereby given to the owner, occupant or person having charge of any lot or parcel of land in the City of Bangor that all noxious weeds and grasses growing on any lot or parcel of land in said City of Bangor, Bangor County, Michigan, must be cut down and destroyed on or before the first day of May of each year. Further such shall remain cut and maintained to a length of not more than eight inches (8") between the first day of May and the last day of October each year. Failure to comply with this notice on or before the date mentioned shall make the owner, occupant or person having charge of said lot or parcel of land, liable for the cost of cutting or destroying same and an additional levy of twenty-five dollars for processing and a nine percent (9%) delinquency fee of such cost to be levied and collected against the property in the manner provided by law, in addition to any other penalty provided by law."

This notice is given pursuant to Chapter 95 of the Codified Ordinances of Bangor, Michigan."

(b) The Five-day (5-day) Notice may read, in part, as follows:

"Please be advised the property at \_\_\_\_\_ in the City of Bangor is in violation of Chapter 95 of the Codified Ordinances of the City of Bangor. Noxious weeds and grasses as defined by the ordinance exist on the lot or parcel and need to be destroyed or cut. Failure to comply within five (5) days of the date of this letter shall authorize the City of Bangor to cause such noxious weeds and grasses to be cut. Costs for cutting the weeds and grasses, as established by the City Council, shall be billed to the property owner of record. Amounts unpaid shall be placed together with a processing fee and a delinquency fee also as established by the City Council as a lien against the property and shall remain until paid."

(c) The sign on the property may read as follows:

Notice to Mow

"This property is in violation of Chapter 95 of the Codified Ordinances of the City of Bangor. Noxious weeds and grasses, as defined by the Chapter, exist on the lot or parcel and need to be cut. Failure to comply within five (5) days of the date of this posting shall authorize the City of Bangor to cause such noxious weeds and grasses to be cut. Costs for cutting the weeds and grasses, as established by the City Council, shall be billed to the property owner of record. Amounts unpaid shall be placed together with a processing fee and a delinquency fee, also as established by the City Council, as a lien against the property and shall remain until paid."

**95.07 FAILURE TO COMPLY WITH NOTICE.**

In case the owner, occupant or person having charge of any land in the City shall refuse or neglect to comply with such notice, or shall refuse or neglect to cut the weeds and grasses on or before the date stated in such notice, or shall fail to cut and keep cut noxious weeds and grasses between the first day of May and the last day of October each year, it shall be the duty of the Code Enforcement Officer or someone working under his or her direction and employment to enter upon the land and to cause all such noxious weeds and grasses to be cut down with as little damage to other vegetation as possible.

Express power to enter upon such land and destroy noxious weeds is hereby conferred upon the Code Enforcement Officer.

#### **95.08 COST AND CHARGES.**

The cost in connection with the cutting or destroying of noxious weeds and grasses as established by the City Council shall be charged against the owner or occupant of said premises and against the property itself and shall remain a lien against the property on which the weeds and grasses were cut or destroyed until paid.

#### **95.09 COLLECTION OF COST AND CHARGES.**

The City Treasurer shall record and collect charges as prepared by the Code Enforcement Officer or other party and notify the owner or occupant of the said premises, by ordinary mail addressed to the person whose name appears on the last local tax assessment records of the City, that the City has cut or caused to be cut and destroyed the weeds upon said premises in accordance with this chapter, together with a statement of the amount due the City. If the cost and charges due the City for cutting and destroying weeds upon any lot or parcel of land in accordance with the provisions of this chapter shall not have been collected on or before December 31 of the year in which the expense was incurred by the City, the same shall be reported by the Treasurer to the City Assessor. The report shall include the processing fee and delinquent fee currently in place at the time of reporting. The City Assessor shall cause these charges and fees to be assessed against each parcel on the next applicable tax roll for the City. Such assessment shall remain as a lien against the property until paid.

#### **95.10 SEVERABILITY**

If any provision or section of this ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

#### **95.11 REFERENCE TO OTHER SECTIONS**

This ordinance, sections of this ordinance, or any of the parts of this amendment take precedence over other sections of this code. The Bangor City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent amendments.

#### **95.12 DATE OF EFFECT**

This ordinance shall take effect 30 days from the date of publishing.

#### **95.13 RECORD OF ADOPTION**

This ordinance was voted upon at a regular meeting of the City Council. The record of adoption is as follows:

AYES: Mayor George Sink, Mayor Pro-tem Richard Corwin and Council members Robert Freislinger, Alice Kriesten, Norm Johnson and John Szymanski

NAYES: None

ABSENT: Richard Sutherby

FIRST PRESENTED: October 6, 2003

SECOND PRESENTATION: October 20, 2003

ADOPTED: October 20, 2003

PUBLISHED: October 26, 2003

EFFECTIVE DATE: November 27, 2003

References

City Code of Ordinances Chapter 95. Ord. 137, passed 2-25-80 and Ord. 163, passed 9-9-85, Ord. 265, passed 11-27-03