

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

ORDINANCE NO. 99 - 04

**AN ORDINANCE TO AMEND VILLAGE OF PORT AUSTIN ORDINANCE NO.
65 PERTAINING TO NUISANCE WEEDS AND THE REGULATION OF THE
HEIGHT OF VEGETATION.**

THE VILLAGE OF PORT AUSTIN ORDAINS:

AMENDMENT TO ORDINANCE NO. 65

Section 1, Weed Growth Prohibited, Maximum Height of Vegetation, is amended to provide as follows:

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, dodders, mustards, wild carrot, bindweed, perennial sowthistle, hoary alyssum, poison ivy, poison sumac, or other weeds of a like kind, found growing in any lot or tract of land in the Village of Port Austin 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.

It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental or vegetable plants to grow to a height exceeding ten (10) inches anywhere in the Village of Port Austin; and such plants, grasses, or weeds exceeding such height are hereby declared to be a nuisance.

Section 2, Duty of Occupant or Owner, is amended to provide as follows:

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the Village, to cut and remove or destroy by lawful means all such noxious weeds and grass, during the months of May, June, July, August, September, and October or as often as may be necessary to comply with Section 1.

Section 3, Cutting by Village, is amended to provide as follows:

If any person, firm, corporation, or partnership shall fail to comply with the provisions of Section 2 by the specified time, the Village Clerk shall, through the Department of Public Works, cause all such grass and noxious weeds to be cut or destroyed upon lands of the person not complying with the provisions hereof. The Superintendent of the Department shall keep an accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this Ordinance and shall make a sworn statement of said account and present the same to the Village Clerk.

Section 5, Notice of Requirement is amended to provide as follows:

The Village Clerk shall on or before the fifteenth of May of each year give notice of the requirements and provision of Sections 1 through 4 by publishing a notice thereof one a week for two (2) consecutive weeks in a newspaper of general circulation in the Village.

Savings Clause. If any subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Repealer Clause. All ordinances and or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Motion by: Kasper

Seconded by: Preston

Yeas: Hogan, Loewe, Preston, Kasper, Radlinski, Ruth
Nays: None

Absent: Bruce

Abstain:

Ordinance Adopted on the 11th day of October, 2004.

Judy Binkley, Clerk

Marilyn Bruce, President

Clerk's Certification

Judy Binkley, Clerk of the Village of Port Austin, certifies that:

- 1.) A regular meeting on the ordinance was conducted in the Village Hall on the 11th day of October, 2004 at 7:30 p.m.
- 2.) The ordinance was adopted on the 11th day of October, 2004.
- 3.) The ordinance or a synopsis thereof was published on the 26th day of October, 2004.
- 4.) The ordinance is effective 20 days thereafter, on the 15th day of November, 2004.