



CITY of NOVI CITY COUNCIL

Agenda Item 6
September 22, 2014

SUBJECT: Consideration of Ordinance 14-104.09 to amend the City of Novi Code of Ordinances Chapter 21, "Nuisances" Article II, "Related to Property" Division 1 "Lot Clearing," in order to revise the administrative fee for grass/weed mowing by the City on private property and clarify the properties to which the requirements are applicable. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development *UM*

CITY MANAGER APPROVAL: *Pa*

BACKGROUND INFORMATION:

Each summer growing season the Ordinance Enforcement staff proactively monitor and reactively respond to concerns regarding overgrown grass and noxious weeds for platted lots and a number of other parcels throughout the City of Novi. In addition to the twice yearly notice published in the Novi News and outreach through the City Website and newsletters, notices to property owners are provided once per season by first class mail in accordance with Ordinance section 21-20 if the weeds and grass exceed 8 inches in height. The written/mailed notice is required and provided once per season for a given parcel. If not addressed within 10 days by the property owner, the violation is abated by the City of Novi through the mowing contractor and charged to the property owner. Subsequent violations for a property are not re-noticed prior to abatement unless the owner of record has changed in the Assessing records. Currently a 15% administrative charge is added to the mowing expenses per 21-23 (b) as follows: (The entire applicable Ordinance Section attached)

The expenses incurred by the city in each cutting, destruction or removal of same together with a fifteen (15) percent administrative charge will be levied and collected against such property in the manner provided by law.

Last year the City of Novi cut 35 privately owned parcels a total of 59 times (some lots were cut a second time when the weeds and grass again exceeded 8 inches) under the weed cutting ordinance. Below are two breakdowns of the approximate administrative costs incurred by the city per lot. These costs are over and above the funds paid to the contractor to complete the work, which this year will range from \$45.00 to \$153.00 depending upon the size of the lot and the service provided (weed whipping, if needed due to configuration or terrain of the lot is an additional fee).

A study of the costs on the part of the City of Novi to abate these nuisances in accordance with the Ordinance criteria is attached.

The concern is two-fold:

- The administrative fee does not come near reimbursing the City for the actual administrative cost of arranging for the abatement

- The competitively bid cutting cost and low administrative fee provide an actual disincentive for property owners to maintain their property (including some who have actually stated that it "is cheaper to let the City do the maintenance")

Proposed Amendment:

The proposed amendment would increase the Administrative Fee to a flat \$45.00 amount for each mowing of any size property. The proposed revisions also remove the fee amount from the Ordinance itself and delegate setting of the fee to a separate resolution that will be presented at second reading. The proposed amendments also endeavor to further clarify the properties to which the requirements are applicable. Please note that under the proposed changes, the only difference from current and past practice would be the amount of the administrative fee.

The Ordinance Review Committee of City Council met on June 11, 2014 and recommended proceeding with the proposed amendments. The Committee further reviewed the proposed changes including the proposed clarification of applicable properties at their meeting of August 11, 2014 and recommended forwarding to the City Council for first reading and consideration.

RECOMMENDED ACTION: Approval of Ordinance 14-104.09 to amend the City of Novi Code of Ordinances Chapter 21, "Nuisances" Article II, "Related to Property" Division 1 "Lot Clearing," in order to revise the administrative fee for grass/weed mowing by the City on private property and clarify the properties to which the requirements are applicable. **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-104-09

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 21, "NUISANCES," ARTICLE II, "RELATED TO PROPERTY," DIVISION 1, "LOT CLEARING," IN ORDER TO REVISE THE ADMINISTRATIVE FEE FOR GRASS/WEED MOWING BY THE CITY ON PRIVATE PROPERTY AND CLARIFY THE PROPERTIES TO WHICH THE REQUIREMENTS ARE APPLICABLE.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 21, "Nuisances," Article II, "Related to Property," Division 1, "Lot Clearing," of the City of Novi Code of Ordinances is hereby amended to read as follows:

Secs. 21-16 through 21-19 [Unchanged]

Sec. 21-20 General notice by publication to owner, occupant to abate.

It is hereby made the duty of the building official or ordinance enforcement officer, or their designee, to give general notice to every owner, occupant, or any person having control or management of any subdivided land or lots, or any other non-subdivided parcel of land which is occupied by a structure, as provided section 21-22, wherein noxious weeds or any weeds, grass, brush, or deleterious, unhealthy growths exceeding a height of eight (8) inches growing, standing or present to cut down, destroy or remove same. Such general notice shall be made by publication in the official newspaper of general circulation in city at least twice in each year, once during first half of the month of May and again during the first half of July of each year, and shall read substantially as follows:

**CITY OF NOVI
NOTICE OF PROVISIONS OF THE
NOXIOUS WEED ORDINANCE**

TO: All owners, occupants or possessors of subdivided lands or lots:

NOTICE IS HEREBY GIVEN that in accordance with Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be, at least twice in each year, once during the last half of the month of May and again during the last half of July of each year and more often as may be necessary.

If the owner or occupant, or any person or persons, agent, firm, or corporation having control or management of any subdivided land or lots or any other non-subdivided parcel of land upon which any building or buildings have been erected shall fail, refuse, or neglect to comply with the above mentioned Code provisions, the city shall cause the weeds, grass, brush, deleterious, unhealthy growths, rubbish, to be cut down, destroyed, or removed. Provided, further, that any lands which are situated within the floodplains or any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses shall be exempted from the provisions of such Code provisions. The expense incurred by the City in the cutting, destruction, or removal of same, together with an administrative charge established pursuant to resolution of City Council, will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements set forth in Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same, and liability to the extent of the penalty therein provided.

_____, 20_____

/s/ _____
Building Official/Ordinance
Enforcement Officer
City of Novi

Sec. 21-21. Specific notice by first class mail to owner to abate.

In addition to the general notice requirements set forth in section 21-20, it is hereby made the duty of the building official or ordinance enforcement officer, or their designee, to give a specific notice in writing, by first class mail, to every person shown on the tax assessment rolls of the city as owner of any lands or lots as provided in section 21-22 wherein noxious weeds, or any weeds, grass brush, or deleterious, unhealthy growths are growing, standing or present in violation of this division to cut down or remove same within ten (10) days, which notice shall read substantially as follows:

Name and Address
Description

NOTICE OF PROVISIONS OF THE NOXIOUS WEED AND REFUSE ORDINANCE

According to the Assessment records of this City, you appear to be the owner of the above described property which is subject to the provisions of Chapter 21, Article II, Code of Ordinances, City of Novi, Michigan.

Notice is hereby given that in accordance with the aforementioned Code provisions that all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths, exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be on or before the _____ day of _____,

20____; The obligation to remove all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths in excess of eight (8) inches shall be deemed continuous and lasts until October 15th of this year.

In the event of failure to comply with this notice on or before the date mentioned, and on each occasion thereafter when such weeds, grass, brush, deleterious, or unhealthy growths are permitted to exceed eight (8) inches in height, in accordance with the above Code provisions, the city shall cause the weeds, grass, brush, deleterious, or unhealthy growths to be cut down, destroyed, or removed. The expenses incurred by the city in each cutting, destruction, or removal of same, together with an administrative charge established pursuant to resolution of the City Council, will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements of Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same and liability to the extent of the penalty therein provided.

_____, 20____

/s/ _____
Building Official/Ordinance
Enforcement Officer
City of Novi

Sec. 21-22 Abatement by city

- (a) If the owner, occupant, or any person having control or management of any subdivided land in a subdivision or condominium development, including site condominiums, has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land or lots for the purpose of accomplishing abatement of the violation by, cutting by the City of Novi or its duly authorized agent. If the owner, occupant, or any person having control or management of any non-subdivided land has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land for the purpose of accomplishing abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the City of Novi.
- (b) The provisions and requirements of this section do not apply to any lands which are situated within the floodplains of any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses or any lands devoted to growing any grain crop.
- (c) In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the City of Novi and cannot be established, the city

shall refer the matter to the county board of commissioners regarding any abatement or enforcement measures.

- (d) All expenses incurred by the city in the performance of any work performed under the provisions of this division shall be reimbursed by the owner of such land or lots, and in cases where not paid, the city shall have a lien for same in the manner provided in this division.
- (e) For purposes of this Division, the Building Official shall have all of the duties and responsibilities, and authority, of the Commissioner as provided in Act 359 of Public Acts of 1941.

Sec. 21-23. Reimbursement to city.

- (a) Whenever the city shall enter upon any parcel of land in order to accomplish abatement of an existing violation, pursuant to provisions of this division, the building official or code enforcement officer, or their designee, is hereby authorized and directed to keep an accurate account of all expenses incurred, and based upon same issue a certificate determining and certifying the reasonable cost involved for such work with respect to each parcel of property. Actual costs may vary from year to year based on contracts entered into by the city for such abatement work.
- (b) The building official or code enforcement officer, or his or her designee, is also authorized to add to such costs an administration charge established pursuant to resolution of the City Council to cover the expenses of administering the work performed, costs of publication, overhead and other contingent expenses.
- (c) Within ten (10) days after receipt of the certificate, the city treasurer shall forward a statement of the total charges assessed on each parcel of property to the person as shown by the last current assessment or tax roll and such assessment shall be payable to the city treasurer within thirty (30) days from the date the statement was forwarded.
- (d) If not paid within the prescribed thirty-day period, such statement shall be filed with the city assessor and shall thereupon be assessed against the land in question and become a lien on such property in accordance with the provisions of Chapter 11 of the City Charter. Such amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent city property taxes or by a suit against such person.
- (e) Such amounts as are paid to the city under the provisions of this division shall be deposited into a special fund to be known as the "weed and refuse fund" and these monies may be drawn upon by the building official for the purpose of defraying the expenses incurred by the building official or code enforcement officer, or their designee, in the performance of such work as may be necessary to accomplish abatement of violations in the manner specified in this division.

Secs. 21-24 through 21-34. [Unchanged]

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the _____ day of _____, 2014.

Maryanne Cornelius, City Clerk

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-104-09

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If the owner or occupant, or any person or persons, agent, firm, or corporation having control or management of any subdivided land or lots or any other non-subdivided parcel of land upon which any building or buildings have been erected shall fail, refuse, or neglect to comply with the above mentioned Code provisions, the city shall cause the weeds, grass, brush, deleterious, unhealthy growths, rubbish, to be cut down, destroyed, or removed. Provided, further, that any lands which are situated within the floodplains or any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses shall be exempted from the provisions of such Code provisions. The expense incurred by the City in the cutting, destruction, or removal of same, together with an fifteen (15) percent \$45.00 administrative charge established pursuant to resolution of City Council, will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements set forth in Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same, and liability to the extent of the penalty therein provided.

_____, 20____

/s/ _____
Building Official/Ordinance
Enforcement Officer
City of Novi

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Name and Address
Description

NOTICE OF PROVISIONS OF THE NOXIOUS WEED AND REFUSE ORDINANCE

According to the Assessment records of this City, you appear to be the owner of the above described property which is subject to the provisions of Chapter 21, Article II, Code of Ordinances, City of Novi, Michigan.

Notice is hereby given that in accordance with the aforementioned Code provisions that all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths, exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be on or before the _____ day of _____,

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Failure to comply with the requirements of Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same and liability to the extent of the penalty therein provided.

_____, 20____

/s/ _____
Building Official/Ordinance
Enforcement Officer
City of Novi

Sec. 21-22 Abatement by city

- (a) If the owner, occupant, or any person having control or management of any subdivided land in a subdivision or condominium development, including site condominiums, ~~in which any building(s) have been erected on sixty (60) percent of the lot(s) included in that subdivision~~ has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land or lots for the purpose of accomplishing abatement of the violation by, cutting by the City of Novi or it's duly authorized agent. If the owner, occupant, or any person having control or management of any non-subdivided land has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land for the purpose of accomplishing abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the City of Novi.
- (b) The provisions and requirements of this section do not apply to any lands which are situated within the floodplains of any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses or any lands devoted to growing any grain crop.
- (c) In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the City of Novi and cannot be established, the city

shall refer the matter to the county board of commissioners regarding any abatement or enforcement measures.

- (d) All expenses incurred by the city in the performance of any work performed under the provisions of this division shall be reimbursed by the owner of such land or lots, and in cases where not paid, the city shall have a lien for same in the manner provided in this division.
- (e) For purposes of this Division, the Building Official shall have all of the duties and responsibilities, and authority, of the Commissioner as provided in Act 359 of Public Acts of 1941.

Sec. 21-23. Reimbursement to city.

- (a) Whenever the city shall enter upon any parcel of land in order to accomplish abatement of an existing violation, pursuant to provisions of this division, the building official or code enforcement officer, or their designee, is hereby authorized and directed to keep an accurate account of all expenses incurred, and based upon same issue a certificate determining and certifying the reasonable cost involved for such work with respect to each parcel of property. Actual costs may vary from year to year based on contracts entered into by the city for such abatement work.
- (b) The building official or code enforcement officer, or ~~their~~ his or her designee, is also authorized to add to such costs an fifteen (15) percent \$45.00 administration charge established pursuant to resolution of the City Council to cover the expenses of administering the work performed, costs of publication, overhead and other contingent expenses.
- (c) Within ten (10) days after receipt of the certificate, the city treasurer shall forward a statement of the total charges assessed on each parcel of property to the person as shown by the last current assessment or tax roll and such assessment shall be payable to the city treasurer within thirty (30) days from the date the statement was forwarded.
- (d) If not paid within the prescribed thirty-day period, such statement shall be filed with the city assessor and shall thereupon be assessed against the land in question and become a lien on such property in accordance with the provisions of Chapter 11 of the City Charter. Such amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent city property taxes or by a suit against such person.
- (e) Such amounts as are paid to the city under the provisions of this division shall be deposited into a special fund to be known as the "weed and refuse fund" and these monies may be drawn upon by the building official for the purpose of defraying the expenses incurred by the building official or code enforcement officer, or their designee, in the performance of such work as may be necessary to accomplish abatement of violations in the manner specified in this division.

Secs. 21-24 through 21-34. [Unchanged]

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the ___ day of _____, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2014.

Maryanne Cornelius, City Clerk

ORDINANCE REVIEW COMMITTEE
June 11, 2014 | 5:00 p.m.
Mayor's Conference Room | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:04 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Charles Boulard, Community Development Director
Thomas Schultz, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Ordinance mowing administration charges

Mr. Cardenas began the discussion by explaining there were potential changes desired by the Community Development Department regarding the process of dealing with overgrown grass and noxious weeds. Mr. Boulard explained that currently a 15% administrative fee is added to the mowing expenses but the reality is that the City is spending much more than that. He said the most times a single property is cut has been twice in one year due to the timing issues related to noticing the property owner and the time it takes the grass to grow. He pointed out that in 2013 the City cut 35 privately owned lots a total of 59 times. He is proposing an administrative fee of \$45 per cut in addition to the mowing expenses.

Mayor Gatt said that seemed like a good idea. Member Wrobel agreed and added it wasn't necessarily about the costs but changing the behavior. Mr. Schultz explained that the City could collect the actual incurred expenses, but not more. Mr. Boulard confirmed the \$45 proposed fee was justifiable based on the actual expenses.

Member Mutch pointed out that the memo said the cost of mowing by the contractor actually went down from 2013. He added that the \$45 proposed fee was comparable to what a person would pay if they hired a contractor on their own. Mr. Boulard explained that the process of collecting the fees was that it is initially billed through Miscellaneous Receivables by the City of Novi and if it isn't paid, the fee gets collected via the tax bill.

Moved by Mutch, Seconded by Wrobel: Carried Unanimously

To recommend to City Council the proposed Ordinance Amendment as discussed; to increase the Ordinance Mowing administrative fee to \$45.00 per cut for any size parcel.

2. Proposed ordinance amendments for window signage

Mr. Cardenas discussed the issue of window signage and how technology has improved to provide better quality signage. Currently the ordinance allows 25% of a window to be covered by signage and it has to be on the inside of the window. Mr. Boulard said the proposed changes would eliminate an unenforced section of the ordinance regarding temporary time periods. The topic was brought forward because businesses have been placing signage on the outside of the window as opposed to the inside. It brought up the issue of maintenance due to weather and other variables. He said that maybe 100 businesses have their signage on the outside even though it isn't allowed under the ordinance.

Mayor Gatt questioned why it matters if the sign is on the inside or outside of a window. Mr. Schultz said it came down to aesthetics. Member Wrobel said he didn't see much of a difference. Member Mutch said it was more about the size of the signs. He felt as long as the sign is maintained; he had no problem with it being on the outside of a window. As long as the City continues to enforce the 25% rule, he said it should not matter if the signage is on the inside or outside the window.

Moved by Mutch, Seconded by Wrobel: Carried Unanimously

To recommend to City Council the proposed Ordinance Amendment as discussed; to remove the temporary time period reference in Section 28-7(1)(11)(b) and Section 28-7(1)(11) (c), as well as amend Section 28-7(1)(11)(a) to allow signage on the outside of a window.

3. Proposed ordinance amendment to address right of way obstructions

Mr. Cardenas explained that this topic was brought up in order to maintain clear sidewalks. The proposed change would allow the City to give notice to offenders similar to the noxious weeds process. Mr. Boulard said this fee would be the direct costs of having the contractor clear the right of way, with no additional administrative fee. He added that there are maybe four instances per year when this is a problem. The changes would address things like fallen branches and bushes blocking a path. It would not be used to clear crabapples from the sidewalk or prevent sprinklers from spraying the sidewalk.

Moved by Wrobel, Seconded by Mutch: Carried Unanimously

To recommend to City Council the proposed Ordinance Amendment as discussed; to add language to Chapter 21 Nuisances; Article II. Related to Property, Division 12 Obstructions to the public way with language approved by the City Attorney.

4. Proposed fee changes for arcade licenses

Mr. Cardenas explained that the current fee for an Arcade License is a base fee of \$210 plus \$10 per machine. The proposal is to remove the per machine fee. Mr. Schultz

explained that this was brought to the City Clerk's Office's attention after a FOIA was filed and the requestor indicated the fees were not justifiable. The Clerk's Office broke down the actual costs and discovered the costs incurred were actually over \$300; however the per machine charge did not seem relevant any longer.

Mr. Gatt said he would like to see how many of the businesses would see an increase to their fee and how many would see a decrease if the fee was changed to \$300. He then asked why the City is charging a fee at all when performing those inspections and processing the paperwork is part of the job to begin with.

Member Mutch asked what was accomplished by having these businesses renew on an annual basis. Mr. Boulard explained it gave the Community Development Department and Fire Department the opportunity to go into the business and confirm everything is up to code and safe for the public. Member Mutch said this section may be outdated. He asked if it made sense to continue licensing them. Mr. Boulard indicated it would take away an opportunity to inspect the premises to ensure public safety.

The Committee requested administration gather additional background information including how much businesses pay in Arcade License fees, what types of businesses are obtaining them, and any other relevant information.

5. Nuisance lighting

Mr. Cardenas explained this issue was brought forward because there have been a few complaints about light fixtures pointing downwards instead of up. There are no proposed changes; administration is just looking for confirmation from the Committee that the current process is acceptable.

Mr. Boulard explained that there are maybe six complaints on this issue throughout the year and most are because a light is pointing down creating a glare or causing distraction. The City is not going out performing inspections to check, these issues are complaint driven. He said when they hear about a problem with the lighting, they issue a violation notice to the property owner and give them ten days to correct the situation.

The Committee agreed that the current process is satisfactory and they see no reason for changes to the ordinance.

The meeting was adjourned at 6:18 p.m.

Recorded by: Courtney Hanson
Deputy City Clerk

ORDINANCE REVIEW COMMITTEE
August 11, 2014 | 5:00 p.m.
Mayor's Conference Room | Novi Civic Center | 45175 Ten Mile Road

Mayor Gatt called the meeting to order at 5:00 p.m.

ROLL CALL: Mayor Gatt, Council Member Mutch, Council Member Wrobel

ALSO PRESENT: Victor Cardenas, Assistant City Manager
Charles Boulard, Community Development Director
Thomas Schultz, City Attorney

APPROVAL OF AGENDA: Agenda was unanimously approved as presented.

AUDIENCE COMMENT: None

MATTERS FOR DISCUSSION:

1. Approval of minutes from July 7, 2014

ORCM 14-08-03 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Ordinance Review Committee meeting minutes from July 7, 2014.

2. Review of Ordinance Amendments referred to Council
 - a. Temporary Signs Ordinance Amendment

Mr. Schultz said the strikethrough ordinance provided in the packet is a reflection of the Committee's discussion.

ORCM 14-08-04 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to temporary signage.

2. Review of Ordinance Amendments referred to Council
 - b. Right of Way Obstructions Ordinance Amendment

Mr. Schultz explained this topic came up previously to the Committee because some properties do not maintain the right of way.

ORCM 14-08-05 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to obstructions in Public Ways.

2. Review of Ordinance Amendments referred to Council
 - c. Mowing Ordinance administration charges

Mr. Schultz explained the proposed changes were discussed at a previous meeting but there was also the addition of changing the fee so that it was set by resolution instead of built into the ordinance. It also added wording so that non-subdivided parcels of land were included.

ORCM 14-08-06 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To recommend to City Council the proposed ordinance amendment pertaining to the administrative fee for grass/weed mowing by the City on private property and to clarify the properties to which the requirements are applicable.

3. Possible changes to the Arcade License ordinance

Mr. Schultz explained that the Committee discussed this topic at the previous meeting. The question was whether they wanted to simply remove the licensing requirements or the entire ordinance. The Police Department had sent the opinion that Division I (Sections 4-61 through 4-66) was an important portion to leave in the ordinance mainly because it deals with person under the age of 18 on premises during school hours, on school days.

Member Mutch said he understood the Police Departments concerns but wondered if there was a better location in the Code to place those types of restrictions. Member Wrobel agreed.

Mayor Gatt asked why they would want to remove such language when the Police Department utilizes it. He felt they should leave that in and just remove the licensing portion. He directed staff to follow up on the topic to possibly locate another section of the Code where it would be a better fit.

ORCM 14-08-07 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To recommend to City Council an ordinance amendment to remove Division 2, Arcade License and Division 3, Machine License from Chapter 4, Article III.

4. Possible Ordinance Amendments regarding Medical Marijuana

Mr. Schultz explained that since the Committee last met, there have been some potential developments in changes to the State Law. He added that without knowing when or how soon those potential changes could take effect, it may be too soon for the Committee to act on the topic. Mayor Gatt agreed that it may be foolish to move forward knowing the State Law could change in the near future.

Mr. Schultz clarified that they can't stop a person from growing marijuana for their own use if they have a medical marijuana card. The situation that might be able to be regulated is the caregiver situation, where they can grow up to 72 plants and have five patients. He added that the ordinance, if Council decides to put one in place, should

cover both the topic of growing marijuana as well as how dispensaries would be addressed.

The conversation briefly covered whether it should be allowed in a residential area or an industrial area. The general consensus was that it should be kept out of residential areas if possible, but the rest of Council has yet to weigh in on the topic.

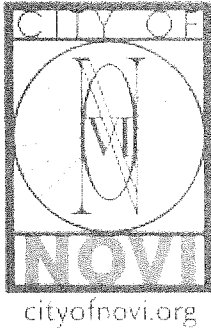
ORCM 14-08-07 Moved by Wrobel, seconded by Mutch; CARRIED UNANIMOUSLY:

To postpone discussion on possible ordinance amendments regarding medical marijuana.

The meeting was adjourned at 5:40 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk

MEMORANDUM



TO: Victor Cardenas, Interim City Manager

FROM: Charles Boulard, Community Development Director

SUBJECT: Ordinance Mowing Administration Charges

DATE: April 10, 2014, rev. June 6, 2014

Each summer growing season the Ordinance Enforcement staff proactively monitor and reactively respond to concerns regarding overgrown grass and noxious weeds for platted lots and a number of other parcels throughout the City of Novi. In addition to the twice yearly notice published in the Novi News and outreach through the City Website and newsletters, notices to property owners are provided once per season by first class mail in accordance with Ordinance section 21-20 if the weeds and grass exceed 8 inches in height. The written/mailed notice is required and provided once per season for a given parcel. If not addressed within 10 days by the property owner, the violation is abated by the City of Novi through the mowing contractor and charged to the property owner. Subsequent violations for a property are not re-noticed prior to abatement unless the owner of record has changed in the Assessing records. Currently a 15% administrative charge is added to the mowing expenses per 21-23 (b) as follows: (The entire applicable Ordinance Section attached)

The expenses incurred by the city in each cutting, destruction or removal of same together with a fifteen (15) percent administrative charge will be levied and collected against such property in the manner provided by law.

Last year the City of Novi cut 35 privately owned parcels a total of 59 times (some lots were cut a second time when the weeds and grass again exceeded 8 inches) under the weed cutting ordinance. Below are two breakdowns of the approximate administrative costs incurred by the city per lot. These costs are over and above the funds paid to the contractor to complete the work, which this year will range from \$45.00 to \$153.00 depending upon the size of the lot and the service provided (weed whipping, if needed due to configuration or terrain of the lot is an additional fee).

The concern is two-fold:

- The administrative fee does not come near reimbursing the City for the actual administrative cost of arranging for the abatement
- The competitively bid cutting cost and low administrative fee provide an actual dis-incentive for property owners to maintain their property (including some who have actually stated that it "is cheaper to let the City do the maintenance")

Proposed action:

I would propose bringing forth for consideration an Ordinance amendment at the next Ordinance Review meeting to increase the Ordinance Mowing administrative fee to \$45.00 per cut for any size parcel.

Supporting information:

Last year, as in previous years, the City collected a flat 15% on the weed cutting charges as mandated by the Ordinance. In 2013 for example, for each lot less than 1 acre we collected \$7.50 and each lot over an acre we collected \$12.00. If we continue this procedure with the new contractor this year, we will collect \$6.75 and \$10.50 respectively; as there is a decrease in the contractor's fee this under the new agreement.

First Cut (2013)-Hourly rate of Code Enforcement Officer - \$56.39 including benefits

1 st Inspection	15 Minutes		\$14.09
Notice Preparation	10 Minutes		\$9.38
Reinspection	10 Minutes		\$9.38
Confirm Cutting	10 Minutes		\$9.38
Billing in MR	10 Minutes		\$9.38
Copies	2@ 10 cents		\$0.20
Mailing	2@ 49 cents		\$0.98
Publication Cost*	2 @ \$176.85 each	\$353.70 /59 cuts	\$5.99
TOTAL ACTUAL CITY COST PER LOT CUTTING IN ADDITION TO CONTRACTOR			\$58.78

Second Cut (2013)-Hourly rate of Code Enforcement Officer - \$56.39 including benefits

1 st Inspection	15 Minutes		\$14.09
Confirm Cutting	10 Minutes		\$9.38
Billing in MR	10 Minutes		\$9.38
Copies	1@ 10 cents		\$0.10
Mailing	1@ 49 cents		\$0.49
Publication Cost*	2 @ \$176.85 each	\$353.70 /59 cuts	\$5.99
TOTAL ACTUAL CITY COST PER LOT CUTTING IN ADDITION TO CONTRACTOR FEES			\$39.43

*cost of the required (2) yearly publication dates spread over all 59 cuts

Current administrative fees (2013) = \$654.00 (12 lots @ \$7.50 + 47 lots @ \$12.00)

Estimated Costs (2013) = \$3,235.82 (12 lots @ \$39.43 + 47 Lots @ \$58.78)

Estimated Costs per cut (2013) = \$54.84 (3,235.82/59 cuts)

Please let me know if I can be of further assistance or provide additional information.
Thank you

Sec. 21-16. Power of city to declare certain plants injurious.

The City of Novi is hereby empowered to designate and declare certain varieties and species of plants as injurious on the basis that such species or varieties are actually or potentially injurious to the public health and all such are hereby declared to be a common nuisance.

(Ord. No. 04-104.03 Pl. 1 5-3-04)

Sec. 21-17. Unlawful to permit noxious weeds.

It shall be unlawful for the owner, occupant or any person having control or management of any lot, place, area, or parcel of land within the city to permit or allow the presence thereon or on any portion thereof or upon the right-of-way of any highway, road, or street adjacent to such lot, place, area, or parcel of noxious weeds of any kind, scattered among which are Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Shinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sow thistle (*Sunchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior*), poison ivy (*Rhus toxicodendron*), poison sumac (*Vernix*), ox-eyed daisies, goldenrod, milkweed, or any other varieties, species or plant growth designated by the City of Novi as poisonous, injurious and/or regarded as common nuisance in the opinion of the City of Novi, and including all weeds or grasses that exceed eight (8) inches in height within 150 feet of any road right-of-way. Provided, however, that nothing in this division shall apply to fields devoted to growing any small grain crop such as wheats, oats, barley, or rye. The presence of such weeds upon any lot or parcel of land within the limits of the city is hereby declared to be a public nuisance.

(Ord. No. 04-104.03 Pl. 1 5-3-04 Ord. No. 06-104.06 Pl. 1 10-23-06)

Sec. 21-18. Duty of landowner to cut noxious weeds.

It is hereby made the duty of the owner, occupant or any person having control or management of any lot, place, area or parcel of land within the city upon which noxious weeds, as described in section 21-17, are found growing or standing, to cut and destroy or cause to be cut and destroyed all such weeds growing or standing on the premises, and upon the right-of-way of any highway, road or street adjacent to such lot, place, area of parcel, in such manner as shall effectually prevent such weeds from perpetuating themselves, at least twice in each year, once during the last half of the month of May, and again during the last half of the month of July of each year, or more often as may be necessary to prevent them from going to seed. If any owner, occupant or any person having control or management of property in the city shall knowingly suffer any noxious weeds, as

described in section 21-17, to grow upon such lands or shall suffer such weeds to ripen so as to cause or endanger the spread thereof or so as to constitute a detriment to public health, he shall, upon conviction in any court of competent jurisdiction, be liable to the penalty imposed in this division for violation thereof.

(Ord. No. 04-104 03 Pl. I 5-3-04)

Sec. 21-19. Unlawful to permit other weeds, grass, brush.

(a)

It shall be unlawful for the owner, occupant, or any person having control or management of occupied or nonoccupied subdivided land, occupied or unoccupied land which is part of a condominium development (including site condominiums), or any other nonsubdivided parcel of land which is occupied by a structure, within the city to permit or allow on such premises or upon the right-of-way of any highway, road, or street adjacent to such lot, place, area, or parcel, the presence of weeds, grass, brush, or deleterious, unhealthy growths of any species or variety exceeding a height of eight (8) inches above ground level, and the same are hereby declared to be a public nuisance. It shall be the duty of every owner, occupant, or every person in charge of such property upon which any of the above-mentioned weeds, grass, brush, deleterious, or unhealthy growths is permitted to remain to cause the same to be cut down, destroyed or removed, in the same manner and within the time provided in section 21-18, or more often as may be necessary.

(b)

If such owner, occupant, or person shall knowingly refuse or neglect to comply in this regard he shall, upon conviction in any court of competent jurisdiction, be liable to the penalty imposed in this division for the violation thereof.

(Ord. No. 04-104 03 Pl. I 5-3-04 Ord. No. 06-104 06 Pl. I 10-23-06)

Sec. 21-20. General notice by publication to owner, occupant to abate.

It is hereby made the duty of the building official or ordinance enforcement officer, or their designee, to give general notice to every owner, occupant, or any person having control or management of any subdivided land or lots, as provided section 21-22, wherein noxious weeds or any weeds, grass, brush, or deleterious, unhealthy growths exceeding a height of eight (8) inches growing, standing or present to cut down, destroy or remove same. Such general notice shall be made by publication in the official newspaper of general circulation in city at least twice in each year, once during first half of the month of May and again during the first half of July of each year, and shall read substantially as follows:

CITY OF NOVI
NOTICE OF PROVISIONS OF THE
NOXIOUS WEED ORDINANCE

TO: All owners, occupants or possessors of subdivided lands or lots:

NOTICE IS HEREBY GIVEN that in accordance with Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be, at least twice in each year, once during the last half of the month of May and again during the last half of July of each year and more often as may be necessary.

If the owner or occupant, or any person or persons, agent, firm, or corporation having control or management of any subdivided land upon which any building or buildings have been erected shall fail, refuse, or neglect to comply with the above mentioned Code provisions, the city shall cause the weeds, grass, brush, deleterious, unhealthy growths, rubbish, to be cut down, destroyed or removed. Provided, further, that any lands which are situated within the floodplains or any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses shall be exempted from the provisions of such Code provisions. The expense incurred by the City in the cutting, destruction or removal of same together with a fifteen (15) percent administrative charge will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements set forth in Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same, and liability to the extent of the penalty therein provided.

_____, 200_____

/s/

Building Official/Ordinance
Enforcement Officer
City of Novi

(Ord. No. 01-04-01-10-1-01-01 Ord. No. 09-10-07 Pt. I, 5-18-09)

Sec. 21-21. Specific notice by first class mail to owner to abate.

In addition to the general notice requirements set forth in section 21-20, it is hereby made the duty of the building official or ordinance enforcement officer, or their designee, to give a specific notice in writing, by first class mail, to every person shown on the tax assessment rolls of the city as owner of any subdivided lands or lots as provided in section 21-22 wherein noxious weeds, or any weeds, grass brush, or deleterious, unhealthy growths are growing, standing or present in violation of this division to cut down or remove same within ten (10) days, which notice shall read substantially as follows:

Name and Address

Description

NOTICE OF PROVISIONS OF THE NOXIOUS WEED AND REFUSE ORDINANCE

According to the Assessment records of this City, you appear to be the owner of the above described property which is subject to the provisions of Chapter 21, Article II, Code of Ordinances, City of Novi, Michigan.

Notice is hereby given that in accordance with the aforementioned Code provisions that all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths, exceeding a height of eight (8) inches, growing, standing or lying upon any property in the City of Novi, shall be cut down, destroyed or removed as the case may be on or before the ____; day of ____; 200____;. The obligation to remove all noxious weeds, or other weeds, grass, brush, or deleterious, unhealthy growths in excess of eight (8) inches shall be deemed continuous and lasts until October 15th of this year.

In the event of failure to comply with this notice on or before the date mentioned, and on each occasion thereafter when such weeds, grass, brush, deleterious, or unhealthy growths are permitted to exceed eight (8) inches in height, in accordance with the above Code provisions, the city shall cause the weeds, grass, brush, deleterious, or unhealthy growths to be cut down, destroyed or removed. The expenses incurred by the city in each cutting, destruction or removal of same together with a fifteen (15) percent administrative charge will be levied and collected against such property in the manner provided by law.

Failure to comply with the requirements of Chapter 21, Article II, of the Code of Ordinances, City of Novi, Michigan, may also result in the prosecution for same and liability to the extent of the penalty therein provided.

_____, 200_____

/s/

Building Official/Ordinance

Enforcement Officer

City of Novi

(Ord. No. 04-104.03 Pt. I, 5-3-04; Ord. No. 09-104.07, Pt. II, 5-18-09)

Sec. 21-22. Abatement by city. 

(a)

If the owner, occupant, or any person having control or management of any subdivided land in a subdivision or condominium development, including site condominiums, in which any building(s) have been erected on sixty (60) percent of the lot(s) included in that subdivision has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or

their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land or lots for the purpose of accomplishing abatement of the violation by, cutting by the City of Novi or its duly authorized agent. If the owner, occupant, or any person having control or management of any non-subdivided land has failed, refused or neglected to comply with the provisions of this division, the building official or ordinance enforcement officer, or their designee, is hereby empowered, upon the giving of proper notice, to enter upon such land for the purpose of accomplishing abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the City of Novi.

(b)

The provisions and requirements of this section do not apply to any lands which are situated within the floodplains of any natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses or any lands devoted to growing any grain crop.

(c)

In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the City of Novi and cannot be established, the city shall refer the matter to the county board of commissioners regarding any abatement or enforcement measures.

(d)

All expenses incurred by the city in the performance of any work performed under the provisions of this division shall be reimbursed by the owner of such land or lots, and in cases where not paid, the city shall have a lien for same in the manner provided in this division.

(Ord. No. 04-104 03 Pt I 5-3-04 Ord. No. 09-104 07, Pt III, 5-18-09)

Sec. 21-23. Reimbursement to city.

(a)

Whenever the city shall enter upon any parcel of land in order to accomplish abatement of an existing violation, pursuant to provisions of this division, the building official or code enforcement officer, or their designee, is hereby authorized and directed to keep an accurate account of all expenses incurred, and based upon same issue a certificate determining and certifying the reasonable cost involved for such work with respect to each parcel of property. Actual costs may vary from year to year based on contracts entered into by the city for such abatement work.

(b)

The building official or code enforcement officer, or their designee, is also authorized to add to such costs a fifteen (15) percent administration charge to cover the

expenses of administering the work performed, costs of publication, overhead and other contingent expenses.

(c)

Within ten (10) days after receipt of the certificate, the city treasurer shall forward a statement of the total charges assessed on each parcel of property to the person as shown by the last current assessment or tax roll and such assessment shall be payable to the city treasurer within thirty (30) days from the date the statement was forwarded.

(d)

If not paid within the prescribed thirty-day period, such statement shall be filed with the city assessor and shall thereupon be assessed against the land in question and become a lien on such property in accordance with the provisions of Chapter 11 of the City Charter. Such amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent city property taxes or by a suit against such person.

(e)

Such amounts as are paid to the city under the provisions of this division shall be deposited into a special fund to be known as the "weed and refuse fund" and these monies may be drawn upon by the building official for the purpose of defraying the expenses incurred by the building official or code enforcement officer, or their designee, in the performance of such work as may be necessary to accomplish abatement of violations in the manner specified in this division.

(Ord. No. 04-104.33, Pl. I 5-3-04, Ord. No. 09-104.07, Pl. IV, 5-18-09)

Secs. 21-24—21-34. Reserved. 