

**OFFICIAL MINUTES OF MAYVILLE
VILLAGE COUNCIL MEETING
JULY 7, 2020
(Official Minutes)**

The Village Council of Mayville, Michigan held a Regular Meeting at the Mayville Fire Hall on July 7, 2020. The meeting was called to order at 7:05 p.m. by President Barbara Valentine, with the following officers and Trustees present: Susan Atkinson, William Barkowska and Sue Marlow.

Absent – Steve Charette

Employees Present – Clerk Kayla Reed

Guests – 3

Public Comments - Concern from a resident about a resident being an obnoxious obscene nuisance in town. The concerned resident is worried about the safety of others as the problem resident has a criminal record. Council Response - will refer to Chief Cook tomorrow.

Action Items - (Motion Needed)

- a) **Noxious Weed Ordinance Amendment** -
Moved by Marlow 2nd by Atkinson to Adopt the Noxious Weed Ordinance Amendment

VILLAGE OF MAYVILLE

COUNTY OF TUSCOLA, STATE OF MICHIGAN

ORDINANCE NO. 134-2

ADOPTED: JULY 7, 2020

EFFECTIVE: AUGUST 7, 2020

Noxious Weeds Ordinance Amendment

The Village of Mayville Ordains the following: An Ordinance to amend sections 30-151 through 30-162 of the Village of Mayville Noxious Weeds Ordinance, being Ordinance No. 134, and adopted June 21, 2005 found at Section 30-151 *et seq.* of the Village of Mayville Code, to amend certain definitions of the Ordinance; to amend Prohibited Conditions; to amend the Duty of Owners, Occupants, etc.; to amend the Enforcement provision; to amend the Penalty provision; to amend the provision regarding Cutting and Clearing by the Village upon the failure of the Owner to comply; to amend the provision regarding the Right of Entry for Removal and Interference; to amend the provision regarding the Collection of Costs from the Owner; to amend

the provision regarding Notice Requirements; to amend the provision regarding Exemptions; to provide for Severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

The Village of Mayville hereby ordains:

Section 1. Section 30-151 of the Village of Mayville Code entitled “Definitions”, is hereby amended to read as follows:

For the purpose of this ordinance, the following words, terms and phrases, shall have the meanings ascribed to them in this section:

Enforcement Officer. The Village of Mayville Zoning Administrator, Village Manager or his/her designee, or any Village of Mayville Police Officer.

Noxious or poisonous weeds. Canada thistle (*Cirsium arvense*), milkweed (*Asclepias cornutus*), oxeye daisy (*Chrysanthemum leucanthemum*), goldenrod (*Solidago*), burdock (*Arctium lappa*), dodders (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* L.), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or any other tree, shrub, plant, weed or other noxious material regarded as a common public nuisance.

Person. Any natural person, firm, association, partnership, limited liability corporation or corporation.

Public nuisance. Any tree, shrub, plant, weed, any accumulation of dead weeds, leaves, grass or brush, trash, debris, refuse, filth or other noxious material which endangers public property or the health or safety of the public.

Section 2. Section 30-152 of the Village of Mayville Code entitled “Prohibited conditions,” is hereby amended to read as follows:

No owner, possessor or occupier of land, and no person in charge of any land in the Village shall permit or maintain on any such premises any dead or diseased trees, noxious or poisonous weeds, shrubs or plants, any accumulation of dead weeds, leaves, grass or brush, trash, debris, refuse, filth or other noxious materials.

Section 3. Section 30-153 of the Village of Mayville Code entitled “Duty of owners, occupants, etc.”, is hereby amended to read as follows:

As often as may be necessary to comply with the provisions of this ordinance, every owner, possessor or occupant of land, and every person in charge of any land in the Village shall remove, destroy or cut, by lawful means, all dead or diseased trees, any accumulation of dead weeds, leaves, grass or brush, noxious or poisonous weeds, shrubs or plants growing thereon in such a manner as will also effectively prevent such weeds, shrubs or plants from blooming, bearing seed, spreading to adjoining property or becoming a fire hazard.

Notwithstanding anything contained in this article to the contrary, every owner, possessor or occupant of land, and every person in charge of any land in the Village, such parcel being one acre of size or less, shall at all times keep any grass, weeds, leaves, rank vegetation, non-woody

surface vegetation and other similar plants so that the height of such plants, or any part or portion thereof, from the ground to the part farthest away from the ground shall at all times be less than ten (10) inches.

On parcels in excess of one acre in size, but less than 10 acres, every owner, possessor or occupant of land, and every person in charge of any land in the Village shall at all times keep within 50 feet from the edge of the street or property line shared with another parcel of one acre in size or less any grass, leaves, weeds, rank vegetation, non-woody surface vegetation and other similar plants so that the height of such plants, or any part or portion thereof, from the ground to the part farthest away from the ground shall at all times be less than ten (10) inches.

Section 4. Section 30-154 of the Village of Mayville Code entitled “Enforcement”, is hereby amended to read as follows:

Before commencing prosecution under this article, the enforcement officer shall give notice to the person charged with violating this article. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land at the owner's last known address. The notice shall specify that failure to remedy the violation within ten days of the date of personal service or 12 days from the date of mailing shall result in the issuance of a municipal civil infraction violation notice.

For purposes of this article the owner of the premises, as defined in this article, shall be deemed to have been served with notice if the notice is mailed to the address as provided in the most recent tax roll of the Village of Mayville. If a person acquires an interest in premises pursuant to a mortgage foreclosure, deed in lieu of foreclosure, land, contract foreclosure or forfeiture, said person shall be deemed to have authorized notice as provided above, unless and until said person notifies the village assessor, in writing, of a change in address for the ad valorem property tax roll.

Section 5. Section 30-155 of the Village of Mayville Code entitled “Penalty”, is hereby amended to read as follows:

Failure to comply with the notice given by the enforcement officer within the time specified shall constitute a municipal civil infraction, which shall be processed in accordance with sections 1-15 through 1-21 of this Code and the penalties for which are prescribed therein. Each day this ordinance is violated shall be considered as a separate violation.

In addition to the foregoing fines, the Court may assess as costs, the damages and expenses incurred by the Village in enforcement of this ordinance against the violator, including the costs of prosecution. The assessment and collection of these fines and costs shall be in accordance with MCLA 600.8701 et seq.

In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the Ordinance. The penalty or sanction shall be in addition to the abatement of the violating condition, any injunctive relief, revocation of any permit or license, or other process.

Section 6. Section 30-156 of the Village of Mayville Code entitled “Cutting and clearing by village upon failure of owner to comply,” is hereby amended to read as follows:

If any person shall fail or neglect to comply with the removal, destruction or cutting required by this ordinance within the time limited therefore in the notice served as provided in section 30-154, the Superintendent of Public Works shall cause all such dead or diseased trees, noxious or poisonous weeds, shrubs or plants, any accumulation of dead weeds, grass or brush, leaves, trash, debris, refuse, filth or other noxious materials to be cut, removed or destroyed upon lands of the person not complying with the provisions of this ordinance. The Superintendent of Public Works shall keep or cause to be kept an accurate account of all expenses 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 the account and present it to the village manager.

Section 7. Section 30-157 of the Village of Mayville Code entitled “Right of entry for removal; interference.,” is hereby amended to read as follows:

The Village Manager, Superintendent of Public Works or the Chief of Police, or their designated representatives, are hereby authorized to enter upon any premises in the Village for the purpose of cutting, removing or destroying poisonous and noxious weeds, brush, grass, leaves, shrubs, plants, trees, non-woody surface vegetation, debris, refuse, filth or other noxious materials in accordance with the provisions of section 30-156.

Section 8. Section 30-158 of the Village of Mayville Code entitled “Collection of costs from owner” is hereby amended to read as follows:

A copy of the sworn statement provided for in section 30-156, including an account of the costs incurred on each of the several descriptions or parcels of property, shall be transmitted to the village treasurer. The village treasurer shall add to all such accounts so audited and allowed ten percent (10%) of the total of each account, and shall cause all such expenditures so audited and allowed, together with the additional ten percent (10%), to be severally levied on the lands on which such expenditures were made. The amount levied for each such case shall be no less than fifty dollars (\$50.00). Such amounts shall be severally spread upon the tax roll in preparation and collection as other village taxes are made, and when collected shall be paid into the general fund of the village to reimburse the village for the costs of publication, overhead and other expense and outlay as authorized in this ordinance.

Section 9. Section 30-159 of the Village of Mayville Code entitled “Notice of Requirements” is hereby amended to read as follows:

The village clerk shall on or before May 1 of each year give notice of requirements and provisions of this article by publishing a notice once a week for two successive weeks in a newspaper of general circulation in the village. In addition, a notice of requirements and provisions of this article shall be included in the last water bill of each account prior to May 1 of each year.

Section 10. Section 30-160 of the Village of Mayville Code entitled “Exemptions” is hereby amended to read as follows:

Exempted from the provisions of this article are flower gardens, plots of shrubbery, vegetable gardens and grain plots. An exemption under the terms of this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriated to such exempt categories.

Section 11. The remaining provisions of the Noxious Weed Ordinance, Ordinance No. 134, are hereby ratified and confirmed.

Section 12. Severability. The sections and provisions of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this Ordinance. The Village Council hereby affirms that it would have enacted this Ordinance notwithstanding any provision herein which may be declared inoperative or invalid.

Section 13. Repeal of Conflicting Ordinances. All ordinances or any part of any ordinance in conflict with this Ordinance are hereby be repealed.

Section 14. Effective Date. This Ordinance shall take effect 30 days from the date of its adoption and publication.

Section 15. Publication. The Village Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Made and passed by the Village of Mayville, County of Tuscola, State of Michigan, at a regular meeting held on the **7th** day of **July, 2020**, and ordered to be given publication in the manner prescribed by law.

VILLAGE OF MAYVILLE

By: _____

BARBARA VALENTINE, Village President

By: _____

KAYLA REED, Village Clerk

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Roll Call Vote - Barkowska - Y Charette - ABS Atkinson - Y Marlow - Y Valentine - Y

Motion Carried

- b) **Planning\ Zoning Policy Letter Approval -**
Moved by Marlow 2nd by Atkinson to Approve Planning\ Zoning Policy Letter.

Roll Call Vote - Charette - ABS Marlow - Y Atkinson - Y Barkowska - Y Valentine - Y

Motion Carried

- c) **Certified Grant Administrator (CGA) Proposals -**

Moved by Marlow 2nd by Atkinson to Accept the Certified Grant Administrator Proposal from Revitalize, LLC and move forward with contracting with Revitalize, LLC.

Roll Call Vote - Marlow - Y Barkowska - Y Charette - ABS Atkinson - Y Valentine - Y

Motion Carried

- d) **Community Development Block Grant Program Consultant Services Contract -**
Moved by Marlow 2nd by Atkinson to Approve and Accept the Community Development Block Grant (CDBG) Consultant Services Contract.

Roll Call Vote - Atkinson - Y Charette - ABS Marlow - Y Barkowska - Y Valentine - Y

Motion Carried

- e) **Certified Grant Administrator Management Plan -**
Moved by Atkinson 2nd by Marlow to Approve and Accept the Certified Grant Administrator Management Plan.

Roll Call Vote - Charette - ABS Barkowska - Y Marlow - Y Atkinson - Y Valentine - Y

Motion Carried

- f) **MEDC Grants Administration Community Development Block Grant Program Contract Special Provisions -**
Moved by Atkinson 2nd by Marlow to Approve and Accept Contract Special Provisions.

Roll Call Vote - Marlow - Y Atkinson - Y Barkowska - Y Charette - ABS Valentine - Y

Motion Carried

- g) **Professional Services Contract with Spicer Group for the Community Development Block Grant.**

Moved by Marlow 2nd by Atkinson to Approve and Accept Professional Services Contract with Spicer group for Community Development Block Grant.

Roll Call Vote - Atkinson - Y Barkowska - Y Charette - ABS Marlow - Y Valentine - Y

Motion Carried

Adjournment - Moved by Marlow, 2nd by Atkinson to adjourn at 8:58 p.m.

Yes - 4 No - 0

Motion Carried.

Barbara Valentine
Village President

Kayla Reed
Village Clerk