

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #02-2013

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES;
AMENDING CHAPTER 16, ENVIRONMENT, ARTICLE IV, NOXIOUS WEEDS,
GRASS AND REFUSE BY AMENDMENT OF SECTION 16-123 NOTICE AND 16-124
FAILURE TO REMOVE.**

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 16, Environment, Article IV, Noxious Weeds, Grass and Refuse, Sections 16-123 and 16-124 are amended as follows:

Sec. 16-123. – Annual Notice.

(a) The city shall publish notice, in a newspaper with general circulation within the county, of the requirements of this article two times—during the month of March that weeds and grass not cut by May 1 of that year may be cut by the city and the owner of the property charged with the cost of abatement. The notice shall also include the methods for compliances, the fees and costs for the service to be performed by the city or its contractor if the owner or occupant fails to comply and the penalties for continued noncompliance.

(b) Upon notice being published, the authorized city official or authorized city contractor may enter upon any lot or parcel that fails to comply with the requirements of this article and put the premises in compliance without the necessity of any additional notice or citation to the property owner or agent.

(c) Failure to provide notice shall not constitute a defense in a court action for failure to comply with this article or a defense to the payment of a debt created under this article.

State law reference: MCLA 247.64a

(Ord. No. 2006-02, § 1(21-26), 2-21-2006; Ord. No. 2006-07, § 1(21-26), 5-9-2006)

Sec. 16-124. - Failure to remove; removal by city.

If the owner or occupant or person in charge or control of the property fails to comply with this article the city, or its contractor, may enter upon the property for the purpose of destroying and/or cutting such growths and/or removal of such debris. The city may cut and/or destroy and/or remove weeds or tall grass as many times as necessary to comply with this article in a calendar year and charge the cost plus a penalty to the property owner.

State law reference: MCLA 247.64a

(Code 1978, § 21-24; Ord. No. 76-11, § 1, 4-12-1977; Ord. No. 83-5, § 3, 6-28-1983; Ord. No. 91-16, § 1, 5-12-1992; Ord. No. 96-5, § 1(21-24), 10-22-1996; Ord. No. 2006-02, § 1(21-27), 2-21-2006)

SECTION 2. Repeal. All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Saving Clause.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Severability.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 5. Publication.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **12th day of March, 2013.**

WILLIAM MATAKAS, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park