

VILLAGE OF VANDERBILT

ORDINANCE 3 of 2008

AN ORDINANCE TO AMEND SECTION 9200 - 3 AND 5 OF THE VILLAGE CODE

THE VILLAGE OF VANDERBILT ORDAINS:

Section 1. Amendment of Section 9200 - 3.

Section 9200 - 3 of the Vanderbilt Village Code is hereby amended to read in its entirety as follows:

3. Notice. If the Code Enforcement Officer determines that noxious weeds are present on property within the Village, he or she shall notify the person who owns or possesses the property, or his or her agent, that noxious weeds are present and must be destroyed ten (10) days from the date of the notice. The notice may be personally served or sent by first class mail to the owner of the property at the address shown by the last current assessment or tax roll, and shall describe the methods of treating and eradicating the noxious weeds. The notice shall also include a statement that if the owner or possessor of the property fails to destroy the noxious weeds, or cause the noxious weeds to be destroyed, then the Village shall send a second notice certified mail ten days following notice one. The certified notice shall state that if the noxious weeds are not cut or removed within 10 days from receipt of this second notice, then the Village shall have the right to enter upon the land to cut the noxious weeds, to charge the owner of the property for its expenses including labor and state certified equipment rental, and to have a lien against the property to secure payment of those expenses. Failure of the Code Enforcement Officer to provide the notice required in this Section shall not, however, be a defense to any action to enforce this Chapter or to collect any debt created under this Chapter.

Section 9200 - 5 of the Vanderbilt Village Code is amended to read in its entirety as follows:

5. Cutting by Village. If a person who owns or possesses property in the Village fails to comply with this Chapter within the time specified in the notice sent under Section 3 or by May 1 pursuant to the newspaper notice provided in Section 4, then the Village shall have the right to

enter onto the land to cut the noxious weeds. The Code Enforcement Officer shall keep an accurate account of the expenses incurred in carrying out the authority provided in this Section, including an additional ten (10%) percent administrative charge, and shall make a sworn statement of that account to the Village Council, which shall then audit and approve the account.

**Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

**Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.

**VILLAGE OF VANDERBILT**

By: Edward D. Posgate  
Edward D. Posgate, President

By: Shirley A. Hawn  
Shirley A. Hawn, Clerk

Date; September 2, 2008

ORDINANCE CERTIFICATION

At a regular meeting of the Vanderbilt Village Council , Otsego County, held in the Vanderbilt Village Hall, located in Vanderbilt, Michigan, on September 2, 2008, at 7:00 P.M.

PRESENT: Matelski, Munson, Musall, Posgate.

ABSENT: Bush, Bodnar, McMillion.

It was moved by Matelski and supported by Posgate that the following Ordinance (being Ordinance No 3 of 2008) be adopted.

SEE ATTACHED VILLAGE OF ORDINANCE 3 of 2008

YES: Matelski, Posgate, Munson, Musall

No: None

ORDINANCE DECLARED ADOPTED

VILLAGE OF VANDERBILT

By Edward D. Posgate  
Edward D. Posgate, President

I, the undersigned, the Clerk of the Village of Vanderbilt, Otsego County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Village Council of said County at its regular meeting held on September 2, 2008, relative to adoption of the ordinance therein set forth, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act, this ordinance was published on the Our Home Town News on April 15, 2009, and was filed with the County Clerk on April 8, 2009.

DATED: April 14, 2009

Shirley A. Hawn  
Shirley A. Hawn, Clerk