

# Southgate City Council Agenda

## Council Chambers

Wednesday July 19, 2017

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### 6:30pm **Work Study Session**

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1. Officials Reports
2. Discussions regarding agenda items.

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### 7:00 pm **Regular Meeting**

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#### *Pledge of Allegiance*

**Roll Call:** Colovos, Farrah, George, Graziani, Rauch, Rollet, Zamecki.

**Minutes:**

1. Work Study Session Minutes dated July 5, 2017.
2. Regular City Council Meeting Minutes dated July 5, 2017.

#### **Scheduled Persons in the Audience:**

#### **Consideration of Bids:**

1. Memo from Administrator; Re: Improvements to Dix-Toledo Pedestrian Bridge Page 2

#### **Scheduled Hearings:**

#### **Communications "A" –**

1. Letter from Mayor; Re: Electrical Repairs and Maintenance Page 4
2. Memo from Administrator; Re: Tax Foreclosed Properties in Southgate Page 8
3. Memo from Administrator; Re: Approval of Resolution to  
Establish Parks & Recreation Millage Page 17

#### **Communications "B" – (Receive and File)**

#### **Ordinances:**

1. Memo from Administrator; Re: First Reading of an Amendment to  
Chapter 694 Weeds Page 21

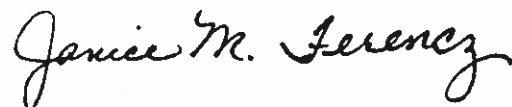
#### **Old Business:**

#### **New Business:**

#### **Unscheduled Persons in the Audience:**

**Claims & Accounts: Warrant # 1333      \$ 1,113,155.81**

#### **Adjournment:**



**Janice M. Ferencz, City Clerk**

JOSEPH G. KUSPA  
Mayor

JANICE M. FERENCZ  
City Clerk

JAMES E. DALLOS  
Treasurer



**City of Southgate**  
NORMA J. WURLINGER  
MUNICIPAL BUILDING

- CITY COUNCIL -

JOHN GRAZIANI  
Council President

KAREN E. GEORGE

MARK FARRAH

BILL COLOVOS

DALE W. ZAMECKI

PHILLIP J. RAUCH

CHRISTOPHER P. ROLLET

**Memorandum**

**To:** Honorable City Council Members

**From:** John J. Zech, City Administrator

**Date:** July 12, 2017

**Re:** Improvements to the Dix-Toledo Pedestrian Bridge

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The existing concrete piers of the bridge are in need of repair. Two bids from qualified contractors were received and the City Engineers are recommending the low bid of \$222,311.21, which includes the base bid, an alternate and a 10% contingency fund. Adequate funding is budgeted in the Major Street Fund to pay for this much needed improvement.

Therefore, the Administration respectfully recommends the City Council approve the bid of Z Contractors, Inc. of Shelby Township in the amount of \$222,311.21.

If you have any questions about this communication, please contact me.

**Cc:** Mayor Joseph G. Kuspa  
David Angileri



July 12, 2017

Mr. John Zech, City Administrator  
City of Southgate  
14400 Dix-Toledo Highway  
Southgate, Michigan 48195

**Re: Dix-Toledo Pedestrian Bridge Improvements  
Recommendation of Contract Award  
City of Southgate  
Hennessey Project No. 13093**

Dear Mr. Zech:

As you are aware, the City of Southgate opened bids on Tuesday, July 11, 2017 for the above referenced project and received bids from two (2) of the six (6) contractors that picked up contract documents. Attached is a copy of the bid tabulation.

Our office has reviewed the two (2) bids received and in summary, bids received were as follows:

- **Z Contractors, Inc.** **\$ 202,101.10**
  - Base Bid \$ 201,701.10
  - Alternate 1 \$ 400.00
- **C.A. Hull Co., Inc.** **\$ 306,759.00**
  - Base Bid \$ 304,197.00
  - Alternate 1 \$ 2,562.00

This project involves repairing the existing concrete piers on the pedestrian bridge over Dix-Toledo Road at Richmond Road. The work includes temporary shoring, concrete pier partial demolition and repair.

Z Contractors, Inc. is a MDOT prequalified bridge contractor who has successfully completed a bridge removal and replacement project in the City of Lincoln Park administered by our office completed within the specified schedule and budget. Z Contractors, Inc. have also completed various bridge repair and bridge pier rehabilitation projects for MDOT.

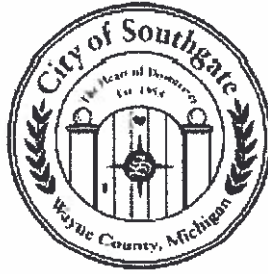
The bid documents included an alternate for providing a water proof concrete coating to be applied to all exposed concrete surfaces. The contractors had to estimate the amount of area required for coating and provide pricing. This is why the shown quantities are different on the bid tabulation.

Therefore, based upon the outcome of the bids, references and past experience, it is our office's recommendation to award the Dix-Toledo Pedestrian Bridge Improvements (Dix-Toledo and Richmond Road) Project, including Alternate 1 to, Z Contractors, Inc., in the amount of \$222,311.21, which includes a 10% contingency of \$20,210.11. If you have any questions, please do not hesitate to contact me at any time.

JOSEPH G. KUSPA  
Mayor

JANICE M. FERENCZ  
City Clerk

JAMES E. DALLOS  
Treasurer



## City of Southgate

NORMA J. WURLINGER  
MUNICIPAL BUILDING

- CITY COUNCIL -

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July 12, 2017

To the Honorable  
City Council  
Southgate, Michigan 48195

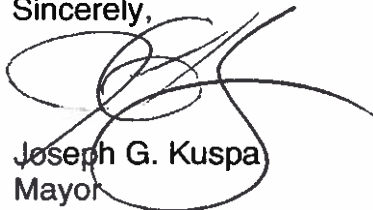
Re: Electrical Repairs and Maintenance

Ladies and Gentlemen:

It is recommended by DPS Director and I concur, to extend this contract with Riney Electric, for one year, in the amount of \$55.00 per hour Monday – Friday and \$75.00 per hour Saturdays, Sundays and Holidays.

Sufficient funds are available in the various Departmental Budgets to cover costs associated with these maintenance issues. Your favorable consideration of this matter is requested.

Sincerely,

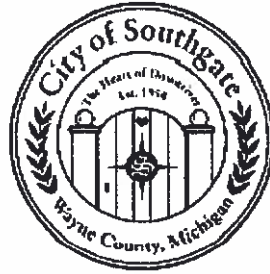


Joseph G. Kuspa  
Mayor

**JOSEPH G. KUSPA**  
*Mayor*

**JANICE M. FERENCZ**  
*City Clerk*

**JAMES E. DALLOS**  
*Treasurer*



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**CHRISTOPHER P. ROLLET**

## **MEMORANDUM**

**TO:** The Honorable Mayor and City Council

**FROM:** David Angileri, Assistant City Administrator/Finance Director 

**DATE:** July 12, 2017

**RE:** Recommendation for Electrical Repairs and Maintenance

I have reviewed the above with the DPS Director and concur with his recommendation for a one extension to current contract with Riney Electric, Wyandotte Michigan.

Adequate funds are budgeted in various departments in the City to cover the cost of Electrical Repairs and Maintenance. This is the same rate that we have paid for the last five years.

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From the Desk of:

Robert Tarabula 

Director, D.P.S.

July 11, 2017

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To: David Angileri  
Finance Director

Re: Bid Extension Recommendation for Electrical Repairs

I respectfully request to extend the bid for Electrical Repairs to Riney Electrical, 1459 Fort St., Wyandotte, MI 48192, for a period of one year.

They are our current contractor and have extended their fee schedule for one year. I believe this to be in the best interest of the City as they have always provided excellent service and respond rapidly to all service calls.

If you have any questions, please contact me.

RT/dm

(D/Bids-A: Bid extension: Electrical Repairs)

# RINEY ELECTRIC

RESIDENTIAL / COMMERCIAL / INDUSTRIAL

LICENSED AND INSURED CONTRACTOR

*July 7<sup>th</sup>, 2017*

*To Whom It May Concern:*

*Riney Electric agrees to honor the same rates for the next year for all electrical services provided to the City of Southgate.*

*If you have any questions, feel free to give me a call at 734-674-8458.*

*Thank You*

*David Riney*



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1459 FORT ST. • WYANDOTTE, MI 48192 • OFFICE: (734) 281-6311 • FAX: (734) 282-1483

FREE ESTIMATES • ALL WORK GUARANTEED • COMPETITIVE PRICING

JOSEPH G. KUSPA  
Mayor

JANICE M. FERENCZ  
City Clerk

JAMES E. DALLOS  
Treasurer



**City of Southgate**  
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**Memorandum**

**To:** Honorable City Council Members

**From:** John J. Zech, City Administrator

**Date:** July 12, 2017

**Re:** Tax Foreclosed Property in Southgate

Attached please find a copy of a letter from Eric Sabree, Wayne County Treasurer regarding the above referenced subject. The Administration has identified 5 properties that are vacant in which we are interested:

53-006-03-0109-002	11699 Mulberry	\$628.35
53-006-03-0111-001	11699 Mulberry	\$1,038.24
53-011-01-0037-000	14282 Fordline	\$5,155.92
53-017-04-1736-000	12984 Cunningham	\$5,314.68
53-028-99-0005-702	14386 Pennsylvania	\$3,554.97

We recommend you approve the first two properties as they are vacant lots on each side of 11699 Mulberry, which the City already owns and is in the process of having the structures demolished by All Phaze Construction Co. Adding these two vacant properties to the lot which the house was located on will make it a more attractive package to bid upon, once the City advertises for bids.

14282 Fordline and 12984 Cunningham are vacant homes that have drawn the interest of two contractors that would like to purchase the properties from the City and rehabilitate them. If you approve purchasing these vacant houses, proposals will be sought to have them rehabilitated and sold for owner occupancy.

14386 Pennsylvania is located at the north east corner of Helen and Pennsylvania. The parcel to the east of it, which is vacant land, is zoned General Business C-2. Demolishing the house and rezoning the property to C-2 would make an attractive site for development, especially in light of the fact that the property to the east is already zoned C-2 and is for sale.

Therefore, the Administration respectfully requests the City Council approve purchasing the above referenced five properties from the Wayne County for \$15,692.16.

If you have any questions about this recommendation please contact me.

**Cc:** Mayor Joseph G. Kuspa  
David Angileri  
Bob Casanova





**ERIC R. SABREE**  
**WAYNE COUNTY TREASURER**

**MELANIE KERSEY**  
Chief Deputy Treasurer

July 5, 2017

City of Southgate Assessor  
Attn: Esther Graves  
14400 Dix-Toledo  
Southgate, MI 48195

VIA E MAIL

RE: Right of Refusal to Purchase Tax Foreclosed Property in Wayne County

Dear Ms. Graves:

Enclosed for your consideration is a list of the properties within your community that were foreclosed upon by the Wayne County Treasurer (the "List"), as the foreclosing governmental unit, pursuant to Mich. Public Act 123 of 1999, MCL 211.78 et. seq. as amended, due to unpaid 2014 and/or prior year's delinquent taxes.

Pursuant to MCL 211.78m (l), a city, village, or township may purchase foreclosed property located within its community if the State of Michigan fails to exercise its right of first refusal. MCL 211.78m(1) states, in part, "If this state elects not to purchase the property under its right of first refusal, a city, village, or township may purchase for a public purpose any property located within that city, village, or township . . . by payment . . . of the minimum bid. If the city, village, or township does not purchase that property, the county in which that property is located may purchase that property under this section by payment to the foreclosing governmental unit of the minimum bid". The same section goes on to state that "If property purchased by a city, village, township, or county under this subsection is subsequently sold for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned to the delinquent tax property sales proceeds account. . . . Upon the request of the foreclosing governmental unit, a city, village, township, or county that purchased property under this subsection shall provide to the foreclosing governmental unit without cost information regarding any subsequent sale or transfer of the property."

Accordingly, subject to the State of Michigan's exercise of its right of first refusal, your community has the right to purchase, for a public purpose, any of the properties on the List for the amount of the "minimum bid." The "minimum bid" is the minimum amount established by the foreclosing governmental unit. By way of illustration and not limitation, the minimum bid includes all delinquent taxes, interest, penalties and fees due on the property, plus the costs associated with the preparation and administration of the auction sale and costs of recording the deed. The minimum bid amount for each parcel is stated on the List.

If you are aware of any foreclosed properties that are in need of demolition, or if there are contiguous properties that should be all bundled together in the upcoming auction, or any special circumstances that should be addressed with any properties, please let us know."

Your request to purchase foreclosed property within your community must be received no later than **July 21, 2017**. All requests must be in writing and identify each property to be purchased by its property identification number.

Your request must be mailed, via certified mail to the Wayne County Treasurer, Land Management Division, and Attention: Tony Cavalli, 400 Monroe – Suite 520, Detroit, MI 48226, or via e mail to: [acavalli@waynecounty.com](mailto:acavalli@waynecounty.com). Receipt of the request will be confirmed in writing. Payments must be received by **July 28, 2017**. If timely payment is not received, the selected property may be offered back to the taxpayer or sold at a public auction.

**You are advised to review the parcel identification numbers on the List with your current tax rolls to determine if any parcel has been combined, split, or assigned a new parcel identification number subsequent to the information being received by our office for the tax years in question. In the event you are unable to reconcile a parcel identification number provided in the List with your current tax rolls, you must immediately advise the Wayne County Treasurer in writing of the current or corrected identification number and the status of the property, and the name and address of persons shown on your current tax rolls as possessing an interest in the subject property.**

THIS AREA IS LEFT BLANK INTENTIONALLY

Page 3 of 3  
First Right of Refusal

The Wayne County Treasurer reserves the right to remove any property from the List, and to cancel any sale, at any time, for any reason, prior to the issuance of a deed. In the event that the State exercises its right of first refusal to purchase a property selected by your community, or if the Treasurer either removed a selected property from the List or cancelled the sale of a selected property the payment received from your community for the subject property will be refunded.

If you have questions or need additional information, please contact Tony Cavalli at (313) 213-2547.

Sincerely,



ERIC R. SABREE  
Wayne County Treasurer

Anthony P. Cavalli  
Taxpayer Services

[acavalli@waynecounty.com](mailto:acavalli@waynecounty.com)  
[www.treasurer.waynecounty.com](http://www.treasurer.waynecounty.com)

Enclosure

Sale No.	Description	Offer Price
P 5913	53-001-06-0371-000 13522 WESLEY SOUTHGATE 19F371 LOT 371 FORDVILLE SUB T3S R11E L46 P13 WCR	\$6,843.01
P 5914	53-002-01-0075-000 0 DEVOE SOUTHGATE 23A75 LOT 75 SCHLANGER'S LITTLE FARMS T3S R10E L66 P23 WCR	\$886.89
P 5915	53-006-03-0109-002 11699 MULBERRY SOUTHGATE 24A109B THE N 10FT OF LOT 109 ALSO W 1/2 ADJ VAC ALLEY SINCLAIR AND DODGE ESTATE T3S R10E L53 P63 WCR	\$628.35
P 5916	53-006-03-0111-001 11699 MULBERRY SOUTHGATE 24A111A S 1/2 OF LOT 111 ALSO W 1/2 ADJ VAC ALLEY SINCLAIR AND DODGE ESTATE T3S R10E L53 P63 WCR	\$1,038.24
P 5917	53-009-02-0227-000 0 TRENTON RD SOUTHGATE 25B227 LOT 227 ALSO E 1/2 ADJ VAC ALLEY DIX SUPERIOR SUB T3S R10E L52 P20 WCR	\$883.11
P 5918	53-010-02-0223-000 13446 POPLAR SOUTHGATE 25E223 LOT 223 AND E 1/2 ADJ VAC ALLEY DIX FORDLINE SUB NO. 1 T3S R10E L56 P93 WCR	\$2,966.82
P 5919	53-011-01-0037-000 14282 FORDLINE SOUTHGATE 25G37 TO 40 LOTS 37 TO 40 INCL ALSO E 1/2 ADJ VAC ALLEY ROBERTS REALTY COS TRI HIGHWAYS SUB T3S R10E L57 P87 WCR	\$5,155.92
P 5920	53-012-01-0083-002 14082 IRENE SOUTHGATE 25H83B 84A S 15 FT OF LOT 83 AND THE N 25 FT OF LOT 84 ALSO E 1/2 OF ADJ VAC ALLEY SERVE SELF SUB T3S R10E L58 P5 WCR	\$3,377.11
P 5921	53-013-99-0009-702 0 DEVOE SOUTHGATE *26Z1A* PT OF NE 1/4 OF SEC 26 T3S R10E DESC AS BEG S00D 00M 16SECE 60FT AND N89D 34M 30SECW 237.00FT AND S00D 00M 16SECE 250.00FT AND N89D 34M 30SECW 388.42FT FROM THE NE COR OF SAID SEC 26 -- TH N89D 34M 30SECW 30.00FT- TH N00D 03M 03SECE 82.87FT- TH S19D 48M 23SECE 88.32FT TO POB 0.03AC	\$766.49
P 5922	53-017-04-1736-000 12984 CUNNINGHAM SOUTHGATE 30D1736 LOT 1736 FORDVILLE NO. 2 T3S R11E L48 P54 WCR	\$5,314.68
P 5923	53-018-02-0055-001 13200 EUREKA SOUTHGATE 30H55A TO 60A LOTS 55 TO 60 INCL EXCEPT THE S 10 FT THEREOF OLD HOMESTEAD SUB T3S R11E L46 P52, 53 WCR	\$28,624.35
P 5924	53-023-99-0009-001 16285 DIX-TOLEDO SOUTHGATE 35V4A PT OF SW 1/4 SEC 35 T3SR10E BEG N41DEG 51M 30S E 2077.83FT AND N42DEG 04M E 778.21FT AND S47DEG 56M E 60FT AND N42DEG 04M E 30FT FROM SW COR SEC 35 TH N42DEG 04M E 205.80FT TH N89DEG 47M 20S E 156.96FT TH S0DEG 14M 30S W 331.19FT TH N85DEG 40M 16S W 206. 2FT TH N0DEG 14M 30S E 82.69FT TH N47DEG 56M W 118.78FT POB 1.68 AC	\$6,498.02

The Legal Description and Tax Identifier specify the Property.

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If you have questions or need additional information, please contact Tony Cavalli at (313) 213-2547.

Sincerely,



ERIC R. SABREE  
Wayne County Treasurer

Anthony P. Cavalli  
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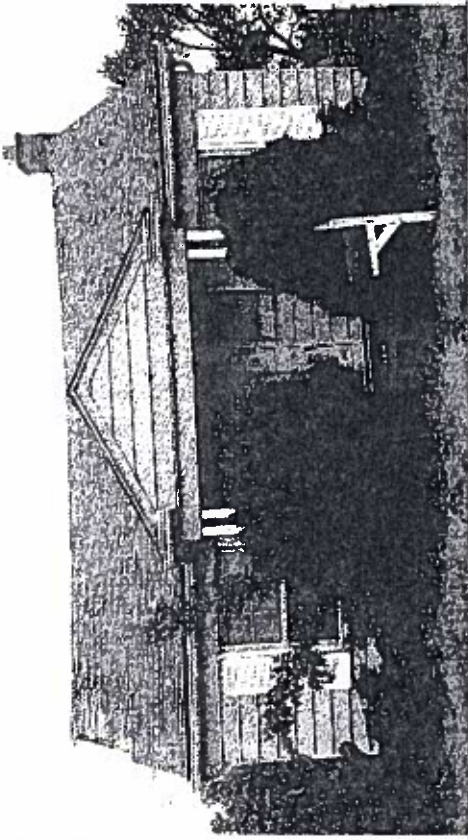
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The street address is provided as additional information and is not guaranteed to be accurate by the Treasurer. Revised 7/5/2017

Sale No.	Description	Offer Price
P 5925	53-025-03-0077-000 13775 SPRUCE SOUTHGATE 36N77 LOT 77 SOUTHGATE ESTATES SUB T3S R10E L80 P8, 9 WCR	\$8,373.43
P 5926	53-028-99-0005-702 14386 PENNSYLVANIA SOUTHGATE *36H5A2* THE N 271.00 FT OF THE S 331.00 FT OF THE E 108.56 FT OF THE W 592.12 FT OF SE 1/4 SEC 36 T3S R10E - 0.68 AC -- K - 0.68	\$3,554.97

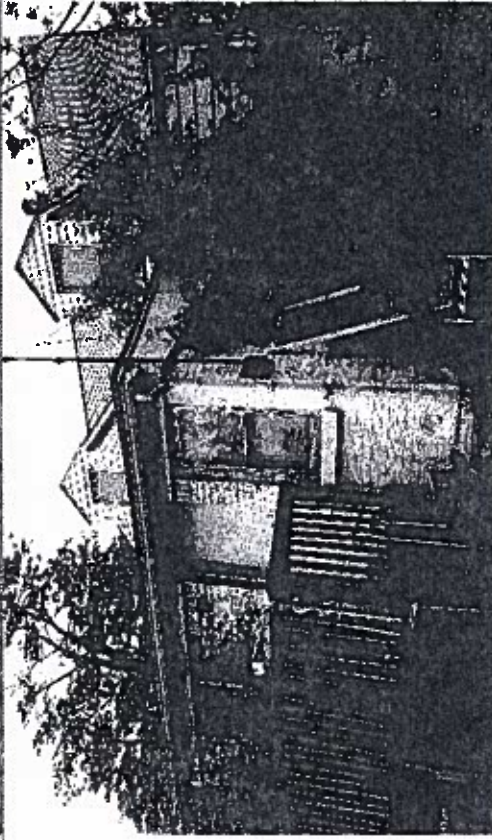
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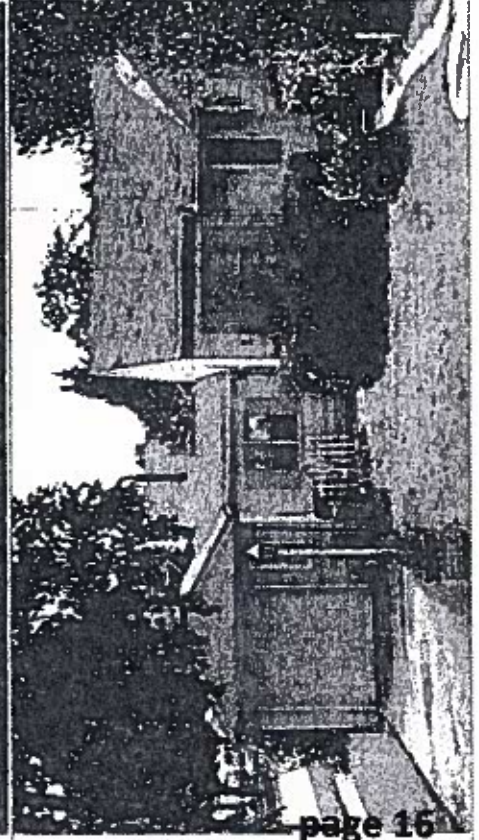
Very cute neighborhood, small home, there is a hole in the roof, water damage very likely, overgrown, gutters need work, siding is okay (blue), one-story, good neighborhood, no abandoned properties on the street

12984 Cunningham



Great neighborhood, very large house and property, corner home, large driveway needed, fallen awning (back), gated, handicapped acceptable, very large vegetation surrounding property, windows need to be replaced

14386 Pennsylvania



Great neighborhood, very overgrown near front of the home, siding and roof needed/repair, does not look like structural damage, small exterior barn in rear, gated backyard, corner home

14282 Fordline



**JOSEPH G. KUSPA**  
**Proposed**

**JANICE M. FERENCZ**  
*City Clerk*

**JAMES E. DALLOS**  
*Treasurer*



**City of Southgate**  
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**PHILLIP J. RAUCH**  
**CHRISTOPHER P. ROLLET**

**Memorandum**

**To:** Honorable City Council Members

**From:** John J. Zech, City Administrator

**Date:** July 14, 2017

**Re:** Resolution to Establish Parks & Recreation Millage (Proposal R)

---

Per our discussion last week please find the attached Resolution to Establish Parks & Recreation Millage along with the ballot language. The Ballot Language is still under legal review.

The Administration respectfully requests the City Council approve the attached Resolution and Ballot Language for the upcoming November election.

**RESOLUTION**

This Resolution was made and adopted at a meeting of the City Council of the City of Southgate, Wayne County, Michigan, held at the City Offices on the \_\_<sup>th</sup> day of July, 2017.

Members Present: \_\_\_\_\_

Members Absent: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

**RECITALS**

- A. The City of Southgate City Charter establishes the maximum authorized tax levy for ad 12.5 mills of valorem real and property in the City.
- B. The Michigan Constitution, the Michigan Home Rule City Act, and the Michigan General Property Tax Act authorize a home rule city to increase the maximum charter tax levy for ad valorem real and personal property with approval of a charter amendment by a majority vote of the electors voting at an election at which such charter amendment proposition is submitted.
- C. City of Southgate City Charter authorizes the City Charter to be amended at any time in the manner authorized by the statute, which includes approval of a ballot proposition submitted to the electors of the City at the next regular municipal or general state election.
- D. Considering the City's current and projected financial circumstances and the desire to acquire, construct, furnish, equip and operate parks and recreation improvements, for the City and its residents, the City Council has determined that it is necessary and appropriate to submit a proposal to amend the City Charter tax rate set forth as 12.5 in order to increase the maximum authorized tax levy for the purpose of providing funding specifically dedicated to parks and recreation improvements at the regular election to be held on November 7, 2017.

**NOW THEREFORE BE IT IS RESOLVED** by the City Council of the City of Southgate as follows:

The City Council by at least a three-fifths vote of its members-elect, pursuant to the authority granted by the Michigan Home Rule Act, Public Act No. 279 of the Public Acts of Michigan, 1909, as amended, proposes that the City of Southgate shall:

The City shall have the power to assess taxes and levy and collect rents, tolls, and excises. The annual ad valorem tax levy shall not exceed one (1) mills for five (5) years beginning with the first fiscal year under this charter.

The annual tax levy shall be applied to the assessed valuation of all real and personal property subject to taxation in the city as equalized by the state.

**PROPOSAL R  
CITY OF SOUTHGATE CITY CHARTER AMENDMENT  
FOR PARKS AND RECREATION MILLAGE**

Shall Article 7 of the Charter of the City of Southgate, Michigan, be amended so as to permit the levy by the City of an additional ad valorem tax in an amount not to exceed one (1) mill for five (5) years, from July 1, 2018 through June 30, 2023?

[ ] YES

[ ] NO

BE IT FURTHER RESOLVED, that said proposal will be printed on the ballot for the November 7, 2017 City of Southgate Regular Election;

BE IT FURTHER RESOLVED, that before submission of said proposal to the voters of the City of Southgate, such proposal shall be published, in full, as part of the official proceedings of the City of Southgate as required by the City of Southgate City Charter.

BE IT FUTHER RESOLVED, that said proposal shall be posted, in full, in a conspicuous place at each polling location on November 7, 2017, the date set for the City of Southgate Regular Election. Carried unanimously.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

CERTIFICATION

I certify that the foregoing is a true and correct copy of the Resolution made and adopted by a \_\_ vote of the City Council of the City of Southgate at a regular meeting held on July \_\_, 2017.

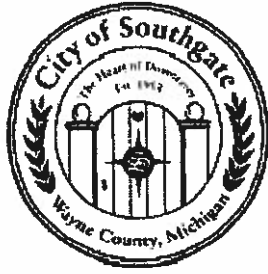
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City Clerk

**JOSEPH G. KUSPA**  
*Mayor*

**JANICE M. FERENCZ**  
*City Clerk*

**JAMES E. DALLOS**  
*Treasurer*



## City of Southgate

**NORMA J. WURMLINGER**  
**MUNICIPAL BUILDING**

- CITY COUNCIL -

**JOHN GRAZIANI**  
*Council President*

**KAREN E. GEORGE**

**MARK FARRAH**

**BILL COLOVOS**

**DALE W. ZAMECKI**

**PHILLIP J. RAUCH**

**CHRISTOPHER P. ROLLET**

### Memorandum

**To:** Honorable City Council Members

**From:** John J. Zech, City Administrator *JJZ*

**Date:** July 12, 2017

**Re:** First Reading of an Amendment to Chapter 694 Weeds

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The administrative costs with regard to implementing Chapter 694 continue to increase as several employees, both full and part time, are involved with the "Weed List". Consequently the Administration respectfully requests the City Council approve a first reading of an amendment to Section 694.03 (a) of Chapter 694 in order to raise the administrative fee from \$100.00 to \$150.00.

If you have any questions about this matter, please contact me.

**Cc:** Mayor Joseph G. Kuspa  
David Angileri  
Robert Casanova

**CHAPTER 694**  
**Weeds**

- |   |   |
|---|---|
| 694.01 Weeds, grass and noxious or poisonous weeds prohibited; noxious or poisonous weeds defined; removal; authority of Assessor's Office. | 694.03 Cutting or removal by City; costs. |
| 694.02 Notice to cut, destroy or remove.  | 694.04 Exceptions to chapter.             |
|   | 694.05 Rules and regulations.             |
|   | 694.99 Penalty.                           |

**CROSS REFERENCES**

- Trees and shrubs - see CHTR. Sec. 194; S.U. & P.S. Ch. 1028  
 Weeds generally - see M.C.L.A. Secs. 247.51, 247.52, 247.61 et seq., 286.701 et seq.  
 Nuisances - see GEN. OFF. Ch. 660  
 Street trees in subdivisions - see P. & Z. 1248.11

**694.01 WEEDS, GRASS AND NOXIOUS OR POISONOUS WEEDS PROHIBITED; NOXIOUS OR POISONOUS WEEDS DEFINED; REMOVAL; AUTHORITY OF ASSESSOR'S OFFICE.**

No owner or occupant of any lot or land, whether residential, commercial or industrial, either public or private, within the City, shall allow or maintain on any portion of such lot or land any growth of weeds, grass or any noxious or poisonous weeds which may create a condition detrimental to the public health. "Noxious or poisonous weeds" includes, but is not limited to, Canada thistles, milkweed, wild carrots, ox-eye, daisies, ragweed, goldenrod, burdock and poison ivy. Every person who owns or inhabits any land within the City shall cut, destroy or remove from such land all grasses and weeds, including noxious and poisonous varieties, whether residential, commercial or industrial property, from April 15 through October 15 of each year, to prevent such weeds from going to seed or blossom, as the case may be, as well as overgrowing the lot, and to prevent dead grass and brush from becoming a fire hazard or health hazard. The Assessor's Office or its agent shall determine which lots need to be cut and the decision of that office shall be final and conclusive.

(Ord. 690. Passed 2-2-00; Ord. 908. Passed 5-19-10.)

**694.02 NOTICE TO CUT, DESTROY OR REMOVE.**

(a) Prior to April 15 in any year, the City is authorized to notify the owner, owner's agent, resident or occupant of any parcel of land to cut, destroy or remove the material and vegetation referred to in Section 694.01 and to keep it cut, destroyed or removed until October 15 of the same year following the giving of such notice. Such notice may be given

by publishing the same in a newspaper of general circulation in the City, by sending a notice by first-class mail to the owner, owner's agent, resident or occupant as recorded on the assessment roll, or by such other method as may be directed by the Council.

(b) If any day between May 1 and October 15, the City finds that any owner, the owner's agent, resident or occupant has failed to cut, destroy or remove the material and vegetation, the City shall cause such material and vegetation to be cut, destroyed or removed within fifteen days and shall bill the owner therefor at rates established by the Council.

(Ord. 690. Passed 2-2-00; Ord. 08-873. Passed 9-17-08; Ord. 929. Passed 4-20-11.)

#### 694.03 CUTTING OR REMOVAL BY CITY; COSTS.

(a) If the owner of any land or the occupant or person having control or management of any lot, place, area or parcel of land within the City whether residential, commercial or industrial, fails to comply with Sections 694.01 and 694.02, the City shall cause weeds, grass and/or other vegetation to be cut, destroyed or removed, together with any grading necessary to allow the removal of the vegetation. The actual cost of such cutting, removal, grading or destruction, plus an administration fee of one hundred dollars (\$100.00) or twenty percent of the contracting charge, whichever is greater, for each cut shall become, at once, a debt to the City from the person, firm, corporation and/or other legal entity against whom it is assessed, and the amount assessed, together with all charges thereon, shall, on November 15, become a lien on the property assessed of the same character and effect as a lien created by general law for State and County taxes until the same is paid, including interest. The remedy provided for herein is in addition to the penalty provided in Section 694.99.

(b) Once the notice has been published pursuant to Section 694.02, the City need bill only once a year regardless of the number of cuts made on the lot or vacant lot and payment shall be due in full by December 15 of the year billed.

(Ord. 690. Passed 2-2-00.)

#### 694.04 EXCEPTIONS TO CHAPTER.

Exempted from this chapter are flower gardens, plots of shrubbery, vegetable gardens and grain plots and lands which are situated within flood plains of natural streams or watercourses, or any area between the lower or upper banks of such streams or watercourses. An exemption under this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories, or unless such general flood plain conditions actually exist.

(1974 Code Sec. 9.44; Ord. 319. Passed 1-30-80.)

#### 694.05 RULES AND REGULATIONS.

Subject to the prior approval of Council, the administration may make rules and regulations not inconsistent with this chapter as may be necessary for the proper administration of this chapter.

(Ord. 473. Passed 2-14-90.)

694.99 PENALTY.  
(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)