



## CITY COUNCIL AGENDA ITEM

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Date: January 19, 2014

To: Brian Kischnick, City Manager

From: Paul Evans, Zoning & Compliance Specialist  
 Gary Bowers, Housing & Zoning Inspector  
 Kurt Bovensiep, Public Works Manager  
 Tom Darling, Finance Director

Subject: 97 E. Wattles City Mowing Invoice

On January 12, 2015, Mr. Lee Nardi, 97 E. Wattles, addressed Council regarding a mowing invoice he received from the City. The purpose of this report is to provide Council background information.

City Code Chapter 82 Property Maintenance requires tall grass and weeds be maintained not to exceed 8 inches height. The requirement applies to private property and the adjacent road right of way. Should a property owner fail to correct violation after proper notification, the City can abate the violation (cut the grass), and invoice the property owner for abatement costs.

On August 25, 2014, Code Enforcement received a complaint about tall grass in the right of way in front of Mr. Nardi's property. Code Enforcement confirmed the violation, issued Mr. Nardi a notice, and confirmed noncompliance upon re-inspection. Code Enforcement then directed the City Mowing Contractor to cut the tall grass and weeds, and subsequently confirmed that the violation was corrected.

The City invoiced Mr. Nardi for the following abatement costs:

Contractor charge show-up fee*	\$25
Code Enforcement labor	\$40
City Inspector vehicle	\$2.55
<u>Finance Department administrative fee</u>	<u>\$10</u>
TOTAL	\$77.55

\*Fee charged to the City if contractor dispatched to mow and mowing completed by others before contractor arrives.

Mr. Nardi advised Council there were topographical problems with the property affecting its ability to be mowed, specifically damage from vehicles turning around and exposed roots. Throughout the enforcement and abatement process, Mr. Nardi had not advised Code Enforcement of his belief. Code Enforcement inspected the property multiple times this past fall and determined the area was relatively flat, vegetated, and posed no mowing problem.



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Mr. Nardi also advised Council that he paid our Contractor ten dollars and that the Contractor would report to the City that the mowing was completed upon arrival. In early November 2014, Mr. Nardi advised Code Enforcement of this. In response to Code Enforcement's immediate inquiry, the Contractor denied taking any money and confirmed the property was mowed when they arrived. On January 14, 2015, Paul Evans spoke to the Contractor to double check this information and verify whether there could have been a mistake. The Contractor again confirmed that no money was accepted and the property was indeed mowed when he showed up.

No procedural or fiscal mistake by the City or the Contractor has been identified. The site did not exhibit topographical conditions that could make mowing unsafe or unusually difficult. The invoiced fees are identical to any other location where mowing is completed before the Contractor arrives. The City cannot justify waiving the charges where cause does not exist.

The long term solution acceptable to Mr. Nardi is the 2015 proposed Wattles Road improvements which will include the installation of a curb along his property and a sidewalk within the right of way in front of Mr. Nardi's house.

### Attachments:

1. Violation notice
2. Excerpt of Property Maintenance Code
3. Contractor invoice
4. City invoice
5. Letter & photos from Mr. Nardi

## Chapter 82 - Property Maintenance Code

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*Municipal Civil Infractions, of the City of Troy Code of Ordinances.* Additionally the City or its agent may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds, treat weeds or otherwise abate the nuisance.

(Rev. 3/17/2014)

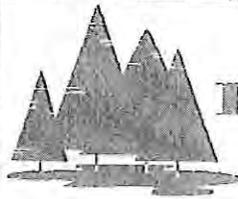
**302.4.4 Published Notice.** It shall be the duty of the Planning Director or his/her designee to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the newspaper of record in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and/or the entry on the premises by the City or its agent to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupants and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed the cost, payable to the City, for each required abatement. The City or its agent may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner for each such cutting or treatment. The City has the discretion to send via first class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds, and if the turf grass and/or weeds are not cut or the weeds are not treated within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City or its agent from entering on the premises to cut turf grass and/or weeds or to treat weeds, as long as a general notice has been published, as set out herein.

(Rev. 3/17/2014)

**302.4.5 Recovery of Cost by City.** The Planning Director or his/her designee is hereby authorized and directed to keep accurate accounts of all reasonable expenses incurred by the City to abate a nuisance. The Planning Director or his/her designee is hereby authorized to include in its cost of recovery the following: wages, overtime wages, fringe benefits, cost of equipment, supplies, materials, and a ten (10) percent administration charge to cover the expense of administering the abatement work that is performed. The Planning Director or his/her designee shall prepare an invoice of total charges for each premise and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice, the City Treasurer shall forward to the owner on the last local assessment or tax roll an invoice of the total charges assessed against each premises. Thirty (30) days from the date each statement was mailed, payment shall be made. If the invoice is not paid within thirty (30) days, the total amount charged shall become an assessment against the land and a lien against the property.

(Rev. 3/17/2014)

CONTRACTOR INVOICE PAGE 1



**FOUGNY PROFESSIONAL  
LAWN MAINTENANCE  
PLANNING**  
151 Blanche - Troy, Mi. (248) 879-5128

RECEIVED

NAME	STREET	DATE	MONTH OF BILLING	DUE DATE	PAGE
City of Troy	Abandons	9/30/2014	September	10/15/2014	1 of 1

# INVOICE 2014 OCTOBER

DESCRIPTION OF BILLING				
Date	Description	Amount Applied	Cost	
26-Aug	EN2014-02863 3867 Fernleigh	0	\$19.00	SBV
28-Aug	EN2014-02748 3977 Mesa	1	\$15.20	SB
4-Sep	EN2014-03230 4808 Stoddard	2	\$7.15	SB
4-Sep	EN2014-03229 37 Lyons	3	\$5.02	SB
5-Sep	EN2014-03065 151 Kenyon	4	\$5.24	SB
5-Sep	EN2014-03133 2218 E. Wattles	5	\$50.60	SB
5-Sep	EN2014-02951 2670 E. Maple	6	\$19.98	SB
5-Sep	EN2014-03155 97 E Wattles	7	\$25.00	SB
5-Sep	EN2014-03067 Parcel #88-20-36-226-014	8	\$22.44	SB
5-Sep	EN2014-03047 Parcel #88-20-36-226-013	9	\$21.03	SB
5-Sep	EN2014-02212 Parcel# 88-20-15-201-046	10	\$80.00	SB
9-Sep	EN2014-03079 5636 Whitehaven	11	\$8.77	SB
9-Sep	EN2014-03264 1075 Falcon <i>M.L.</i>	12	\$55.68	SB
9-Sep	EN2014-03256 1553 Lakewood	13	\$6.57	SB
12-Sep	EN2014-02543 182 Hickory	14	\$25.00	SB
15-Sep	EN2014-03139 701 Amberwood	15	\$8.12	SB
16-Sep	EN2014-02128 762 Marengo	16	\$40.00	SB
16-Sep	EN2014-03316 4368 Cherrywood <i>M.L.</i>	17	\$25.00	SB
17-Sep	EN2014-02994 2663 Winter	18	\$50.00	27.85 SB
17-Sep	EN2014-01691 Parcel#88-20-13-426-065	19	\$25.00	SB
17-Sep	EN2014-03171 Parcel#88-20-14-151-001	20	\$25.23	SB
17-Sep	EN2014-02732 Parcel#88-20-02-128-003	21	\$17.50	SB
17-Sep	EN2014-03212 Parcel#88-20-22-477-009	22	\$29.37	SB
18-Sep	EN2014-03049 92 E. Wattles	23	\$48.43	SB
18-Sep	EN2014-02865 5965 Marble Ct	24	\$4.48	SB
29-Sep	EN2014-03459 Parcel#88-20-11-104012	25	\$7.67	SB
30-Sep	EH2014-03344 5697 Greenhill <i>M.L.</i>	26	\$60.00	SB
<b>TOTAL</b>				<b>-\$707.48</b>

RECEIVED  
OCT 02 2014  
PLANNING

BILLING SUMMARY	
Balance	\$0.00
Late Charge	\$0.00
Current Billing	\$707.48
<b>Total Amount Due</b>	<b>\$707.48</b>

Account # 121-271-371-7800-250-2215  
 Date 10/16/2014  
 Approved by P. Lewis  
 Reason for purchase plc value property  
no longer used abatement

PO# 2014-0000188 **TOTAL AMOUNT DUE** **-\$707.48**

Please detach and return this remittance with your payment

68533 PE

Name	Month of Billing	Payment Due Date	Total Amount Due
City of Troy	September	10/15/2014	\$707.48

City of Troy- Planning Department  
500 W. Big Beaver  
Troy, MI 48084

Fougny Prof. Lawn Maint.  
106 N. Marias  
Clawson, MI 48017

585.33



City of Troy  
PLANNING DEPARTMENT  
Code Enforcement Activity

Number EN2014-03155  
Order Date: 09/05/2014  
Inspector Gary Bowers

Type Noxious Weeds

205547

Complaint Address: 97 E WATTLES

2015 355060

Owner:

NARDI, LEROY  
97 E WATTLES  
TROY MI 48085-4735  
(248) 689 3098

Special Instructions:

Cut tall grass and weeds in Right-of-Way along Wattles.

Grass Cutting - (SQFT)	1,288.00	Invoice Total: \$3.09
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25.00

All ready  
cut  
25.00  
9-7-14

+ 42.55 Code Enforcement Fee  
+ 10.00 Finance Admin Fee  
55.64 Grand Total

77.55



CUSTOMER #	BILLING DATE	DUE DATE	INVOICE #	TOTAL DUE
205547	10/14/2014	11/14/2014	2015-00000081	\$77.55

NARDI, LEROY  
97 E WATTLES

TROY, MI 48085

Mail Payment to:

City of Troy- Treasurer's Office  
500 W BIG BEAVER  
Troy, MI 48084  
(248)524-3373



DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

KEEP THIS PORTION FOR YOUR RECORDS

NARDI, LEROY  
**Weed Cutting**

Description	Qty	Unit Price	Total Charge
Weed Mowing	1	\$77.5500	\$77.55

CUSTOMER #	BILLING DATE	DUE DATE	INVOICE #	TOTAL DUE
205547	10/14/2014	11/14/2014	2015-00000081	\$77.55



**INVOICE**

500 W Big Beaver Road  
Troy, MI 48084-5285

NARDI, LEROY  
97 E WATTLES

TROY, MI 48085

Re: Weed mowing bill

RECEIVED

Dec. 9, 2014

Mrs Kischnick;

JAN 13 2015

PLANNING

I have received an unjust bill for weed mowing. The problem that brought this about was caused by some brain-dead City officials. I tried to resolve it with Mr. Bowers and Mr. Evans. Like talking to a post. Obviously Communists. Your office referred the matter to Mr. Bouensiep. At my request, he came out to talk to me, and see the problem with his own eyes. He understood and seemed to agree. After talking with the proper people at D.P.W., he came out again to tell me that the problem will be eliminated, and I agreed to mow in the future. Assuming D.P.W. keeps their word, I consider the problem solved, and the matter closed. I too will keep my word.

I need you to do one of two things: 1. waive the unjust mowing fee of \$177.55; or 2. place this matter on the City Council agenda A.S.A.P. so I can present my case to Council. Please let me know what you decide.

Thank You For Your  
Consideration.

Lee Nardi

Ph. (248) 689-3098

After 12:00 noon



RECEIVED

JAN 13 2015

PLANNING

Looking  
East



RECEIVED  
JAN 13 2015  
PLANNING

Looking  
West



RECEIVED

JAN 13 2015

PLANNING

Looking  
East