

VILLAGE OF GRASS LAKE  
Jackson County, Michigan

General Ordinance No. 91.101  
Tall Grass and Weeds Ordinance

An Ordinance to secure the public health, safety and welfare of the residents and property owners of the Village of Grass Lake by the control and regulation of the height of tall grass and weeds on certain lands within the Village; to provide for penalties for the violation thereof; and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE VILLAGE OF GRASS LAKE ORDAINS:**

Section 91.101. **Purpose.** The Village hereby finds that tall grass, weeds, and other vegetation can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this Ordinance is to secure the public health, safety and general welfare of the residents and property owners of the Village of Grass Lake by regulating the height at which grass, weeds and other non-exempt vegetation is allowed to grow in certain areas of the Village.

Section 91.102 **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) **Noxious Weeds.** Includes, but shall not be limited to, Canada thistle (*Cirsium arvense*), 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.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant which in the opinion of the Village Council, taking into account the provisions of the Noxious Weeds Act, being Public Act 359 of 1941, as amended, M.C.L.A. §§ 247.61, *et seq.*, is regarding and recognized as a common nuisance.

(b) **Grass.** Any type of grass or weed but not including crops grown as a source of income such as, but not limited to, corn, oats, barley, and not including vegetation which is generally and usually recognized as ornamental grasses or shrubs.

(c) **Owner.** Any person having an ownership interest in land within the Village of Grass Lake upon which tall grass or noxious weeds are growing. For purposes of this Ordinance, the name and address on the Township Assessor's records may be relied upon as sufficient evidence of an ownership interest in such land.

(d) **Occupant.** Any person who has a right to occupy a parcel of property by reason of being an owner thereof, or pursuant to an oral or written lease or rental agreement with the owner or with an authorized agent of the owner.

**Section 91.103 Application of Chapter.** This chapter shall apply to all occupied and buildable lands in the Village which are in commercial, industrial or residential areas.

**Section 91.104 Exemptions.**

(a) Flower gardens, plots of shrubbery, vegetable gardens, small grain plots and agricultural lands are exempt from the provisions of this chapter. An exemption under the terms of this section cannot be claimed unless the lands in question have been cultivated and cared for in a manner appropriate to the exemption categories.

(b) Also exempt from the provisions of this chapter are lands located in the Village which are classified by federal, state or local law, regulation or resolution as wetlands.

**Section 91.105 Presence of Weeds and Excessive Growth a Public Nuisance.**

(a) It shall be unlawful for the owner or occupant of any land in the Village covered by this chapter to cause, or permit to grow, any tall grass, noxious weeds or other non-exempt vegetation higher than eight (8) inches in height.

(b) The presence of tall grass, noxious weeds, and/or non-exempt vegetation located upon any land in the Village covered by this chapter is hereby deemed to be detrimental to the public health, safety and welfare of the Village, and the same is hereby declared to constitute a public nuisance.

**Section 91.106 Duty of Owner or Occupant.** It shall be the duty of the owner or occupant of any land covered by this chapter to cut and remove, or destroy by lawful means, all tall grass, noxious weeds, and non-exempt vegetation described in § 91.102, as often as may be necessary to comply with the provisions of this chapter; cutting, removing or destroying of such tall grass, noxious weeds and non-exempt vegetation, if done at least once every two weeks between May 1 and October 31 of each calendar year, shall be deemed to be in compliance with the requirements of this chapter; the duties set forth shall apply to lands which are in the public right-of-way, unless the duties described in this chapter are specifically imposed by law on the State Highway Commissioner or the County Road Commission.

**Section 91.107 Failure of Owner or Occupant to Comply; Action by the Village; Collection of Expenses.**

(a) In the event that the owner or occupant of any land located in the Village to which this chapter applies shall fail or refuse to comply with the provisions of § 91.106 above, then, after three (3) days' notice to the owner or occupant of the

fact of a violation of this chapter, by certified mail, return receipt requested, the Village President, or any officer, inspector or other agent authorized by the Village Council, may enter upon the land and cut and destroy any and all tall grass, noxious weeds, or excessive, non-exempt vegetation, as defined herein, which is located on the land.

(b) The owner or occupant of the land shall be obligated to reimburse the Village for all costs incurred by the Village in connection with the cutting and/or destruction, including an additional fee of Fifteen (15%) percent for inspection with a minimum cost of Twenty Five and 00/100 (\$25.00) Dollars.

(c) From the time of commencement of the cutting and destruction of the tall weeds, noxious weeds and excessive, non-exempt vegetation, the Village shall have a lien upon the land; in the event the charges involved are not paid by the owner or occupant of the land within thirty (30) days from the date of billing for the same by certified mail, return receipt requested, payment shall be deemed delinquent, and the lien may be enforced in the manner provided by law for the enforcement of tax liens, and the same may be collected against the land in question as is the case with respect to general property taxes.

(d) In addition to, or instead of, the notice required by §91.107(a), above, the Village may, at its option, publish a notice in a newspaper of general circulation in Jackson County, Michigan, during the month of March of each calendar year, that tall grass, noxious weeds and non-exempt vegetation not cut by May 1 of that year may be cut by the Village and the owner or occupant of the property charged with the cost under the provisions of §91.107(a). Such publication shall also contain all other information required of the notice provided for in subsection 91.107(a). The Village may cut tall grass, noxious weeds and non-exempt vegetation as many times as may be necessary and charge the cost to the property owner.

(e) The Village Council may appoint an agent to enforce the provisions of this chapter.

**Section 91.108 Repeal.** All Ordinances or parts of Ordinances in conflict with any provisions of this Ordinance are hereby repealed.

**Section 91.109 Effective Date.** This Ordinance shall become effective twenty (20) days after its passage or upon date of the publication, whichever occurs first.

**Section 91.999. Penalty.** In addition, if the owner or occupant refuses to comply with the provisions of this chapter after receipt of the notice provided for above, then, in that event, the owner or occupant shall be liable for the payment of a fine not exceeding Five Hundred and 00/100 (\$500.00) Dollars, and imprisonment not exceeding thirty (30) days, or both; a violation of this chapter shall be deemed a misdemeanor.

## Village of Grass Lake

### Minutes of the Public Hearing and Regular Meeting

#### June 4, 2019 Minutes

- 1. Call To Order/Pledge of Allegiance-** President Joseph DeBoe called the regular meeting of the Grass Lake Village Council to order at 7:00 p.m. and led in the Pledge of Allegiance.
- 2. Roll Call:** Present: Crandall, Lammers, Keener, DeBoe, Rees, Shemwell and Grimm. Quorum declared. Public present: David Trent Village Manager, Treasurer Trudi Whitley, Paul Lammers, Christina Breed, Missy Shelhart, Richard Jarzynka and Jorge Acosta.
- 3. Adoption of Agenda:** Motion by Keener, second by Crandall to adopt the agenda as amended. Motion carried unanimously.
- 4. Minutes:** Motion by Grimm and seconded by Rees to approve the minutes from the May 21, 2019 regular meeting as changed. Motion carried unanimously.
- 5. PUBLIC HEARING-Tall Grass Ordinance-**Motion by Grimm to open the public hearing, second Rees. All in favor, motion carried. J. DeBoe asked if anyone present had questions or comments regarding the proposed new ordinance. No comment from the public. Discussion of the costs to have the DPW mow. Lammers reported that by the time all the notices were sent and received per the old ordinance the grass was really tall and had to be mowed twice or took twice as long. The village currently charges about \$150 depending on the size of the lot. Motion by Crandall to adopt General Ordinance No. 91.101 Tall Grass and Weed Ordinance and repeal General Ordinance No 91.01 thru 91.99, second Rees. Roll call vote, all in favor, motion carried unanimously. Motion by Keener to close the public hearing and reopen the regular meeting, second Grimm. All in favor, motion carried unanimously. 7:25 p.m.
- 6. Public Comment:** No comment at this time.
- 6. B. Heritage Day- Music Festival-** Missy Shelhart was present to ask about having a street party on Michigan Ave. after Heritage Day September 7<sup>th</sup> is over. This is her 20<sup>th</sup> Anniversary of being in business and she would like to have a party with two bands and of course alcoholic beverages for sale. She is asking to keep the barricades up after Heritage Day wraps up and have two bands perform from 6 pm-12 midnight with Michigan Ave reopening by 1:00 a.m. She only needs the space from the light east to Drake St. but if it is closed past that its fine. Lammers and the DPW will have to remove the barriers as they will be using the water filled ones. American Legion will be providing security and she will have an additional police officer as well. Motion by Lammers to keep Michigan Ave from the light at Lake St to at least Drake St. closed on September 7, 2019 until 1:00 a.m. September 8<sup>th</sup>, to allow for a street party by Missy Shelhart and the Grass Shack, who will provide an additional alcohol permit for the event, second Shemwell. All in favor, motion carried unanimously.

**B. Sewer Collection and Transmission Operation/Maintenance Agreement and Sewer Contract-** Mr. Fisher provided an outline of the process for updating the sewer/water agreement with the township. Council will review for the next meeting. Council wants him to proceed and backdate the agreement as appropriate.

## **12. New Business.**

**A. Water Fee Analysis-**Trent provided council with a water system revenue expense report for 2018-2022. This factors in an increase of 10% for services, meter replacement fee increase to \$3.00 per month and an increase to the water tower fee to \$3.50 per month. It provides for the purchase of 40 meters per year, a new badger radio control reader and the repair to the Watson St water line. Trent is suggesting increasing the rates on September 1<sup>st</sup>. Council will review for the next meeting.

**B. MDOT Parcel Acquisition-** Trent had gotten a response from Dax Carpenter regarding the purchase of the two lots behind the village office that are owned by the MDOT. The appraised value is \$11,000 and he is supposed to be sending more paperwork. Trent will be checking with the assessor for her appraised value as well.

**C. Heritage Day Music Festival –Missy’s Grass Shack-** Discussed earlier.

**D. Southern Regional Interceptor Litigation-**Trent read a letter from Dan Wymer the supervisor from Napoleon Township to Judge Richard LaFlamme the judge who is hearing a case regarding who is responsible for the cost of the Southern Regional Interceptor sewer line. This line serves communities south and west of Leoni Township. Currently the township has defaulted on the bond payments and the county is having to cover the payments until a resolution is found. The letter that Mr. Wymer would like the village to cosign is from communities north and east of Leoni who have no interest or use of the Southern Regional Interceptor and feel there is no reason those communities should have to contribute to the bond debt taken on by Leoni Township. The six communities who are cosigning the letter to the judge are Blackman, Sylvan, Linden, Napoleon, Grass Lake Charter Township and the Village of Grass Lake. Council wants Joe DeBoe to sign the letter for the village.

**13. Village Manager’s Report –** Trent told council that he met with Reps from the Jackson County Parks Dept. two weeks ago and they reviewed the Grass Lake County Park. They will be putting up the dog refuse bag poles in the park and are looking at places to put dog parks. The Grass Lake Park has a great space near the boat ramp that Mead would like to see used as a dog park. The parks department is going to fix the tennis courts as well. The last time the Township and Village paid to get them resurfaced. The Michigan Ave project is just waiting on the final signatures so that project can start. Looks like the resurfacing on Lakeside won’t happen until 2020 as the DEQ will have to be involved.

**14. Upcoming Events –**Music in the Park first and third Wednesdays and the Farmers Market every Wednesday at the events park. National Day of Running June 5<sup>th</sup>. Fountain dedication at the Whistlestop Park on June 7<sup>th</sup>. June 14<sup>th</sup> will be the retiring of flags at the Fire station, you can drop off old flags at Coppernoll’s Hardware or the village office before the 14<sup>th</sup>. Check out further upcoming events at [www.villageofgrasslake.com](http://www.villageofgrasslake.com) or [www.grasslakechamber.org](http://www.grasslakechamber.org).

**7. Disbursements-**Clerk presented a bill list for June. Motion by Rees to accept and pay the bills for the month of June 2019 totaling \$46,288.60, second Grimm. Motion carried unanimously.

**8. Maintenance Report:** Lammers reported that he had a record month for Miss Digs. He also wanted to clarify that the DPW did not put up the flags downtown just the hanging baskets, it was incorrectly reported in the paper. The VFW and American Legion have been in charge of putting up the flags for years. The DPW have 30 water meters in stock but most will be used in the extension of the subdivision on Mt Hope Rd. Lammers reported the storm over the weekend took out the controller on the wells, the parts are ordered and they are going to cost over \$4300. DPW put some asphalt on the entry into the depot parking lot. Trent will consult with the engineers to see what can be done to fix that driveway; it has a considerable drop off. Joyce Sager had brought that to the attention of Mr. Trent this week. The Pharmacy and Depot will fix the parking area when the driveway issue is solved.

**9. Treasurer's Report-**Whitley was present and reported that Martin is working on reconciliations but not sure how far she had gotten on the General Fund. Whitley provided a statement of current funds in Farmers State Bank. All funds totaled \$417,963.92. Whitley reported that she will be talking to BS & A about the processes on Thursday for the change over to BS & A. Nolte will be coming in on Monday for a few hours to help with the general ledger.

**10. Law Enforcement Report-** Deputy DeLand will be at the next meeting.

**11. Correspondence:** Invitation from the Whistlestop Park for the ribbon cutting of the new fountain. The event is June 7<sup>th</sup> from 6-8 p.m. They will have a chocolate fountain from Gilberts chocolate. Napoleon Lions Club band will perform. Invitation from the MML for the conference was also received.

**10. Committee Reports.** Rees reported the senior center is doing well. Tonight the ABC Sisters will be performing at the senior center. Lammers reported that a set of twins were valedictorians of this year's graduating class. Four graduating seniors were awarded scholarships for the U of M. This year's class had the highest SAT scores in the county. 75% of the graduating class attended Project Safe Graduation.

#### **11. Old Business.**

**A. Website Vendor Recommendation-** Trent and Keene are recommending IGD Solutions as the company to go with for the new Village and DDA websites. Four year cost would be \$9,350 and they would take immediate steps to become the website host. The cost would be split between the village and DDA with the village adding email for a setup fee of \$75 and \$20 month to maintain. Motion by Crandall to go with IGD Solutions for a new website splitting the cost between the village and the DDA, second Shemwell. Discussion regarding what fund the cost will be coming from. Trent has it coming from the General Fund- Administration under professional services. Discussion of the new BS&A software and the cost. Trent stated that there will be a \$20,000 surplus in the General Fund. Also discussed was the fact general fund still wasn't reconciled from the end of the fiscal year. Discussion of reconciliations and how they affect the budget and bank balances. Roll call vote on proceeding with a new website, Grimm, Keener, Lammers and Crandall –Nay. Shemwell, Rees and DeBoe, yea, motion did not carry. Council will revisit when the accounts are reconciled.

**15. Public Comment-**Crandall told council that the teacher, Miss Chelsea from the Coop Preschool really appreciated the resolution for the graduating class. Mr. Jarzynka stated the tennis courts really need to be done and done correctly this time.

**16. Adjournment-**Motion by Rees, second by Crandall to adjourn the meeting at 9:42 p.m. with unanimous approval.

Respectfully submitted,

Estelle Mead, Village Clerk

Minutes approved 6-18-2019.