

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 very 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.