

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 38

WEEDS, GRASS AND BRUSH

An ordinance to establish responsibility for noxious weeds, grass and brush.

THE VILLAGE OF FAIRGROVE ORDAINS:

Section 1. NOXIOUS WEEDS DEFINED:

For purposes of this article, all plants mentioned in Section 3. are hereby declared to be noxious weeds and constitute a public nuisance.

Section 2. UNLAWFUL TO PERMIT GROWTH OF WEEDS:

It shall be unlawful for the owner or occupant or any person or persons, agent, firm or corporation having control or management of any lot, place or parcel of land within the Village of Fairgrove to permit or allow the presence thereon, or on any portion thereof, noxious weeds of any kind which in the opinion of the Village Council of the Village of Fairgrove is regarded as a common nuisance. The presence of such weeds upon any lot or parcel of land within the limits of the Village of Fairgrove is hereby declared to be a public nuisance.

Section 3. DUTY TO CUT AND DESTROY:

It shall be the duty of each owner, possessor or occupier of land, and of every person having charge of any land within the Village of Fairgrove to cut or remove and to destroy all noxious weeds. Noxious weeds shall be defined as all grasses, annual or perennial plants and vegetation other than trees or shrubs; provided however, this term shall not include cultivated flowers, gardens or agriculture crops in production. All noxious weeds shall be cut or removed and destroyed at all times throughout the calendar year, or before reaching a height of six (6) inches, or as necessary to prevent all noxious weeds from going to seed, spreading or becoming a detriment to public health.

Section 4. NOTICE TO CUT AND DESTROY:

It shall be the duty of the Village clerk to give general notice to every owner, possessor or occupier of land, and of every person having charge of any land within the Village of Fairgrove by publication at least once per calendar year in a newspaper of general circulation in the Village of Fairgrove that weeds, grasses and brush must be cut or removed and destroyed in accordance with Village of Fairgrove Ordinance #38, or it will be cut, removed, or destroyed by the Village of Fairgrove and the owner of the property charged with the cost of the cutting, removal or destruction of same, including the cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this section. Such general notice shall read as follows:

To: All owners, occupants or possessors of land in the Village of Fairgrove.
NOTICE IS HEREBY GIVEN that in accordance with Ordinance #38 of the Village of Fairgrove, all noxious poisonous or injurious weeds, or other weeds, grasses or brush exceeding a height of six (6) inches upon any property in the Village of Fairgrove shall be cut down, removed or destroyed as the case may be, to prevent growth in excess of six (6) inches.

In the event the owner or occupant, or any person, persons, agent, firm or corporation having control or management of any lot, place or parcel of land within the Village of Fairgrove shall fail, refuse or neglect to comply with the above mentioned ordinance, the

Village of Fairgrove or its authorized representatives shall cause said noxious, poisonous or injurious weeds or other weeds, grass or brush exceeding a height of six (6) inches to be cut down, removed or destroyed.

A charge of \$100 per hour shall be charged for cutting, removing or destroying of same and will be levied and collected against such property in the manner provided by law.

Notwithstanding the foregoing, the following lands shall be exempt from the provisions of this section provided that the owner of the land petitions for exemption from the provisions of this section in writing to the Village Council of the Village of Fairgrove.

1. Undeveloped wooded areas where tree growth is in excess of ten (10) feet in height.
2. Lands where occupied lots have been developed without removing the original natural cover.

Signed _____
President, Village of Fairgrove

Section 5. CUTTING, REMOVING AND DESTROYING NOXIOUS WEEDS BY THE VILLAGE OF FAIRGROVE:

In the event any property within the Village of Fairgrove has not been maintained in accordance with Village of Fairgrove Ordinance #38, the Village of Fairgrove and its authorized representatives are hereby empowered to enter upon such land for the purpose of accomplishing abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the Department of Public Works of the Village of Fairgrove. All expenses of such spraying, cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this section shall be paid by the owner of such land at a rate of one hundred (\$100) dollars per hour. The Village of Fairgrove or its authorized representative may enter upon such lands as often as necessary to necessitate compliance with this ordinance and shall not be liable for damage⁴ in any action of trespass thereof.

Section 6. REIMBURSEMENT TO VILLAGE: ASSESSMENT OF COSTS:

Whenever the Department of Public Works or its authorized representative shall enter upon any parcel of land in order to accomplish abatement of an existing violation pursuant to the provisions of this Ordinance, the Supervisor of the Department of Public Works is hereby authorized and directed to keep and accurate account of all properties mowed, cut, sprayed or otherwise cleansed of weeds and/or brush and based upon the same to issue a certificate determining and certifying the fees involved for such work with respect to each parcel of property. Within thirty (30) days after receipt of said certificate, the Village clerk shall forward an invoice of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll, and said assessment shall be payable to the Village of Fairgrove within thirty (30) days from the date said statement was forwarded. If not paid within the prescribed thirty (30) day period, such assessment shall be filed by the Village Treasurer with the Village Assessor and shall thereupon be assessed against the land in question and become a lien on such property. The amount so charged may be discharged at any time by the payment of the amount specified in the statement together with interest at the rate of ten (10) per cent per annum compiled from the mailing of the original invoice.

Section 7. PENALTIES:

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding three hundred (\$300) dollars. Each day such violations are committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Section 8. SEPARABILITY:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 9. EFFECTIVE DATE:

This Ordinance is hereby declare to be immediately necessary for the preservation of the public health and welfare of the People of the Village of Fairgrove, and will replace and superced any and all wording in the current Village of Fairgrove Ordinance #38 and shall take immediate effect on and after publication in a newspaper circulated in the Village of Fairgrove, Michigan.

Dated this 10th day of July, 2000.

ADOPTED July 10, 2000

LYNN C CRAMER, PRESIDENT

ANN MARIE BALL, CLERK

I hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the Council of the Village of Fairgrove on July 10, 2000 and said ordinance was published in the *Tuscola County Advertiser* and distributed in the Village of Fairgrove on August 5, 2000.

ANN MARIE BALL, CLERK