

ORDINANCE NO. 184

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A COMMISSIONER OF NOXIOUS WEEDS, GRASSES AND OTHER VEGETATION AND THE CUTTING DOWN AND DESTRUCTION OF NOXIOUS WEEDS, GRASSES AND OTHER VEGETATION IN THE VILLAGE OF DECATUR; AND FURTHER PROVIDING FOR NOTICE TO PROPERTY OWNERS; COLLECTION OF COST OF CUTTING DOWN WEEDS, GRASSES AND OTHER VEGETATION WHEN DONE BY THE VILLAGE OF DECATUR OR ITS AGENT, AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE, ALL PURSUANT TO MICHIGAN PUBLIC ACT 359 OF 1941, AS AMENDED.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: The Village Council of the Village of Decatur, Michigan, pursuant to the authority of Michigan Public Act 359 of 1941, as amended (MCL 247.61 et seq.), may appoint a competent person to be the Commission of Noxious Weeds who shall take the oath required of Village Officers and hold office for the term of two (2) years or until a successor is appointed and qualified. Said Commissioner shall receive for his/her compensation such sum as may be fixed by the Village Council from time to time and may be removed by said Village Council at any time for good cause.

Section 2: For the purpose of this Ordinance “noxious weeds” shall include Canada thistle, Didders, Mustards, Wild Carrot, Bindweed, Perennial Sowthistle, Hoary Alyssum, Ragweed, Poison Ivy, Poison Oak, Poison Sumac, and grasses or vegetation of any description exceeding a height of twelve inches, and any other plant, tree or shrub which, in the opinion of the Village Council, is regarded as a common nuisance. All the aforesaid noxious weeds, grasses and other vegetation exceeding a height of 12 inches, as set forth in this section shall be deemed to be a public nuisance.

Section 3: The Commissioner of Noxious Weeds shall investigate all complaints concerning noxious weeds, grasses and other vegetation, and shall enforce the provisions of this Ordinance by controlling and/or eradicating noxious weeds, grasses and vegetation to prevent them from going to seed or spreading, or otherwise becoming a detriment to public health and a public nuisance.

Section 4: A landowner owning land in the Village of Decatur, Michigan shall cut down or cause to be cut down and/or destroyed, all noxious weeds and grasses growing thereon to a depth of 10 rods or the depth of the lot, whichever is less, before the first day of May in each year, and shall continue to cut down or cause to be cut down and destroyed, all noxious weeds, grasses and other vegetation throughout the remainder of the growing season of each year.

Section 5: Natural landscaping may be permitted on any lot or parcel of land which has a depth in excess of 10 rods from the street right-of-way.

A. Natural landscaping is defined as the practice of cultivating plants which are native to the bioregion without resort to artificial methods of planting and care such as chemical fertilizer, mowing, watering other than by through natural processes (rain), with the goal of harmonizing the landscape with the larger biotic community and ecosystem of the immediate and surrounding bioregion.

B. Natural landscaping may only be permitted on that part of any lot or parcel of land within the Village of Decatur, Michigan which lies beyond the depth of 10

rods from a street right-of-way.

C. Application to do natural landscaping shall be made to the Clerk of the Village of Decatur, Michigan and shall include the following information: 1) The name and address of the owners of said land and the address of the property if different from said owners. 2) A copy of the most recent real estate tax bill. 3) A written plan that shall include the method of destroying all vegetation presently growing on said land and the method of maintenance of said parcel thereafter which shall include the mowing of said parcel in the spring or fall of every other year, and all other pertinent information that may be requested by said Village. 4) The written consent of all landowners of any land which is adjoining and contiguous to said parcel.

D. The Village Council of the Village of Decatur, Michigan shall review said application and either approve or deny same. In the event said application is approved same shall be personal solely to the applicant for said parcel of land and no other person. A change of ownership shall require a new landowner of said parcel to submit a new application with all required information.

E. In the event said parcel of land is not properly maintained in the sole discretion of the Village Council of the Village of Decatur, Michigan, said permit may be further restricted or revoked at the sole discretion of said Village Council. In the event said permit is revoked the landowner must comply with all provisions of this Ordinance.

Section 6: The Commissioner of Noxious Weeds or his/her agent shall notify the landowner and occupant of said land in violation of this Ordinance by service of a notice of such violation, together with a copy of this Ordinance, either by certified mail with return receipt requested or by personal service. Such notice shall advise said landowner and occupant of land that he/she shall have ten (10) days to cut down and/or destroy the noxious weeds, grasses and other vegetation growing upon his/her land in violation of this Ordinance, and that upon failure thereof the Village may cause said noxious weeds, grasses and other vegetation to be cut down and/or destroyed and that the cost thereof shall be a lien against said premises and entered upon the next tax roll of the Village of Decatur, Michigan. Said notice shall further advise the landowner or occupant of said land that he/she shall be subject to a civil fine of not exceeding \$100.00, plus costs, expenses and other sanctions as provided in this Ordinance, for said violation.

Section 7: Instead of the Notice required by Section 6 of this Ordinance, the Village of Decatur may publish a Notice in a newspaper of general circulation within said Village, stating that all noxious weeds, grasses and other vegetation must be cut and/or destroyed by May 1st of each year and continued to be cut and/or destroyed throughout the remainder of the growing season. Said Notice shall also state that failure to comply with the provisions of this Ordinance shall subject the landowner or occupant of said land to a civil fine of not to exceed \$100.00, plus costs, expenses and other sanctions as provided in this Ordinance; and that in the event said Village or its agent shall cut and/or destroy the noxious weeds, grasses and other vegetation, the expense thereof shall become a lien on the real estate taxes for said premises.

In the event Publication Notice as provided in this Section is given, then the Notice to the landowner and occupant of said land as provided in Section 6 shall be given by first class mail.

Section 8: Once a landowner and occupant of said land has been served a notice of violation of this Ordinance and a copy of this Ordinance, as provided in either Section 6 or Section 7

aforesaid and said notification is documented in an official report, there will be no further notification and any subsequent violation may result in the issuance of a citation for a Civil Infraction for violation of this Ordinance.

Section 9: Upon failure of any landowner or occupant of said land, after the ten (10) days notice as hereinbefore provided, to destroy any noxious weeds, grasses and other vegetation in violation of this Ordinance, the Village or its agent may enter upon said premises as many times as is necessary to cut and/or destroy all noxious weeds, grasses and other vegetation growing thereon in violation of this Ordinance. The expense incurred in cutting down and/or the destruction of said noxious weeds, grasses and other vegetation by the Village or its agent shall be a lien against said premises and shall be certified annually, on June 1st of each year, by the Commissioner of Noxious Weeds to the tax assessing officer of the Village of Decatur, Michigan, whereupon such charge shall be entered upon the next tax roll as a charge against said premises and shall be collected, and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof is enforced.

Section 10: Any landowner or occupant of said land who refuses to destroy noxious weeds, grasses and other vegetation as hereinbefore provided, shall in addition to the foregoing, be responsible for a Civil Infraction as a Blight Violation and subject to a civil fine of not exceeding \$100.00 plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MSA 27A.8302 and 27A.8701 et seq., respectively. Each day a violation of this Ordinance continues to exist shall constitute a separate violation.

Section 11: Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 12: Ordinance No. 91 and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 13: **EFFECTIVE DATE.** This Ordinance shall become effective the 6th day of August, 2010.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6th day of July, 2010.