

ARTICLE VII. WEEDS*

***Editor's note:** Entire article revised on June 21, 2005 (Ordinance No. 134).

State law references: Noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.; obnoxious plants and trees, MCL 124.151 et seq., MSA 12.270(1) et seq.

Sec. 30-151. Definitions.

For the purpose of this ordinance, the following words, terms and phrases, shall have the meanings ascribed to them in this section:

Enforcement Officer. The Village of Mayville Zoning Administrator, Village Manager or his/her designee, or any Village of Mayville Police Officer.

Noxious or poisonous weeds. Canada thistle (*Cirsium arvense*), milkweed (*Asclepias cornutus*), oxeye daisy (*Chrysanthemum leucanthemum*), goldenrod (*Solidago*), burdock (*Arctium lappa*), 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* 1.), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or any other tree, shrub, plant, weed or other noxious material regarded as a common public nuisance.

Person. Any natural person, firm, association, partnership, limited liability corporation or corporation.

Public nuisance. Any tree, shrub, plant, weed, any accumulation of dead weeds, grass or brush, trash, debris, refuse, filth or other noxious material which endangers public property or the health or safety of the public.

Sec. 30-152. Prohibited conditions.

No owner, possessor or occupier of land, and no person in charge of any land in the Village shall permit or maintain on any such premises any dead or diseased trees, noxious or poisonous weeds, shrubs or plants, any accumulation of dead weeds, grass or brush, trash, debris, refuse, filth or other noxious materials.

Sec. 30-153. Duty of owners, occupants, etc.

As often as may be necessary to comply with the provisions of this ordinance, every owner, possessor or occupant of land, and every person in charge of any land in the Village shall remove, destroy or cut, by lawful means, all dead or diseased trees, any accumulation of dead weeds, grass or brush, noxious or poisonous weeds, shrubs or plants growing thereon in such a manner as will also effectively prevent such weeds, shrubs or plants from blossoming, bearing seed, spreading to adjoining property or becoming a fire hazard.

Notwithstanding anything contained in this article to the contrary, every owner, possessor or occupant of land, and every person in charge of any land in the Village, such parcel being one acre of

size or less, shall at all times keep any grass, weeds, rank vegetation, non-woody surface vegetation and other similar plants so that the height of such plants, or any part or portion thereof, from the ground to the part farthest away from the ground shall at all times be less than ten (10) inches.

On parcels in excess of one acre in size, but less than 10 acres, every owner, possessor or occupant of land, and every person in charge of any land in the Village shall at all times keep within 50 feet from the edge of the street or property line shared with another parcel of one acre in size or less any grass, weeds, rank vegetation, non-woody surface vegetation and other similar plants so that the height of such plants, or any part or portion thereof, from the ground to the part farthest away from the ground shall at all times be less than ten (10) inches.

Sec. 30-154. Enforcement.

Before commencing prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land at the owner's last known address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a municipal civil infraction violation notice.

Sec. 30-155. Penalty.

Failure to comply with the notice given by the enforcement officer within the time specified shall constitute a municipal civil infraction, which shall be processed in accordance with sections 1-15 through 1-21 of this Code and the penalties for which are prescribed therein. Each day this ordinance is violated shall be considered as a separate violation.

In addition to the foregoing fines, the Court may assess as costs, the damages and expenses incurred by the Village in enforcement of this ordinance against the violator, including the costs of prosecution. The assessment and collection of these fines and costs shall be in accordance with MCLA 600.8701 et seq.

In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of the Ordinance. The penalty or sanction shall be in addition to the abatement of the violating condition, any injunctive relief, revocation of any permit or license, or other process.

Sec. 30-156. Cutting by village upon failure of owner to comply.

If any person shall fail or neglect to comply with the removal, destruction or cutting required by this ordinance within the time limited therefor in the notice served as provided in section 30-154, the Superintendent of Public Works shall cause all such dead or diseased trees, noxious or poisonous weeds, shrubs or plants, any accumulation of dead weeds, grass or brush, trash, debris, refuse, filth or other noxious materials to be cut, removed or destroyed upon lands of the person not complying with the provisions of this ordinance. The Superintendent of Public Works shall keep or cause to be kept an accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this ordinance and shall make a sworn statement of the account and present it to the village manager.

Sec. 30-157. Right of entry for removal; interference.

The Village Manager, Superintendent of Public Works or the Chief of Police, or their designated representatives, are hereby authorized to enter upon any premises in the Village for the purpose of cutting, removing or destroying poisonous and noxious weeds, brush, grass, shrubs, plants, trees, non-woody surface vegetation, debris, refuse, filth or other noxious materials in accordance with the provisions of section 30-156.

Sec. 30-158. Collection of costs from owner.

A copy of the sworn statement provided for in section 30-156, including an account of the costs incurred on each of the several descriptions or parcels of property, shall be transmitted to the village treasurer. The village treasurer shall add to all such accounts so audited and allowed ten percent (10%) of the total of each account, and shall cause all such expenditures so audited and allowed, together with the additional ten percent (10%), to be severally levied on the lands on which such expenditures were made. The amount levied for each such case shall be no less than fifty dollars (\$50.00). Such amounts shall be severally spread upon the tax roll in preparation and collection as other village taxes are made, and when collected shall be paid into the general fund of the village to reimburse the village for the costs of publication, overhead and other expense and outlay as authorized in this ordinance.

Sec. 30-159. Notice of requirements.

The village clerk shall on or before May 1 of each year give notice of requirements and provisions of this article by publishing a notice once a week for two successive weeks in a newspaper of general circulation in the village. In addition, a notice of requirements and provisions of this article shall be included in the last water bill of each account prior to May 1 of each year.

Sec. 30-160. Exemptions.

Exempted from the provisions of this article are flower gardens, plots of shrubbery, vegetable gardens and grain plots. An exemption under the terms of this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriated to such exempt categories.

Sec. 30-161. Severability.

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Sec. 30-162. Conflict.

Any ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Secs. 30-163--30-170. Reserved.