

## ARTICLE IV. WEED CONTROL/GRASS CUTTING\*

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**\*State law references:** Control and eradication of noxious weeds, MCL 247.61 et seq.

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### Sec. 10-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building officials* means the village building officials and their designees.

*Exempt vegetation* means the agricultural crops, cultivated trees, cultivated shrubs, flowers and other decorative ornamental plants under cultivation, wildflowers, vegetation on woodlands or wetlands, cultivated meadows and meadows in agricultural zoning districts. Vegetation growing in roadside ditches is included in this definition of exempt vegetation.

*Weeds and grass* shall include but not be limited to Canada thistle, dodders, milkweed, wild carrot, mustards, bindweed, perennial sow-thistle, hoary alyssum, ox-eye daisies, ragweed, goldenrod, burdock, poison ivy, poison sumac, any type of growth, brush, or plants that exist by reason of not being cut over a period of time and which are regarded as a common nuisance, including that which may have grown into trees or other types of plant life over the years, and any other types of weeds or grasses as the terms are commonly used.

(Ord. No. 115, § 2, 5-3-2004; Ord. No. 124, § 2, 8-1-2005)

### Sec. 10-102. Duty to remove.

It shall be the duty of every person who owns or occupies lands within the village to cut to a height not to exceed six inches, and destroy from said lands all such weeds and/or grass growing within 200 feet of the road right-of-way.

(Ord. No. 115, § 3, 5-3-2004; Ord. No. 124, § 3, 8-1-2005)

### Sec. 10-103. Notice.

(a) **Publication.** The village clerk shall publish a notice at least one time per year during the month of March in a newspaper having general circulation in the village, giving notice that weeds and grass shall be cut no later than May 1 and maintained below six inches in height on all lands within 200 feet of the road right-of-way unless otherwise exempt pursuant to this article. The notice shall also state that failure to cut and maintain the grass or weeds as required may result in the weeds or grass being cut by the village and the responsible person may be charged with the costs of bringing the property into compliance with this article.

(b) **Notice.** The notice shall be substantially in the following form:

To property owners and occupants of land in the Village of South Rockwood, Monroe County, Michigan.

Notice is given that all weeds, brush and grass growing on any lands except as exempt under

the ordinances of the Village of South Rockwood must be cut and maintained at a height not to exceed six inches and destroyed and removed to prevent such weeds, brush and grass from going to seed, from becoming a fire hazard and/or creating a condition detrimental to the health, safety and welfare of the residents of the Village of South Rockwood.

Failure to comply with the notice and ordinance on or before May 1 shall make the property owner liable for the costs of cutting, destroying and removing the weeds, brush and grass by the Village of South Rockwood or its representatives or agents and the costs may be levied and collected in the same manner as taxes are levied and collected and being a lien upon the land. The village may cut the weeds, brush and grass as often as necessary to achieve compliance with the ordinance and charge costs to the property owner.

(c) In addition to the publication, the notice shall be posted on the village cable access channel, published in the village newsletter and posted in the village hall.

(d) Ten days prior to cutting the weeds, brush or grass the village clerk shall provide notice in a written letter to the property owner of the intention of the village to cut the weeds, brush or grass which shall refer to the intention of the village to do so. The written notice need only be given one time in a calendar year.

(Ord. No. 115, § 4, 5-3-2004; Ord. No. 132, § 1(B), 11-6-2006)

#### **Sec. 10-104. Failure to comply.**

If the owner of any land fails to comply with the order given as provided in this article within the ten-day time period, the building official shall cause such weeds and/or grass to be cut, destroyed, and removed together with any grading necessary to allow the removal of same. The building official shall keep an accurate account of the expenses incurred in doing so with the respect to each parcel entered upon therefore, and he shall make a sworn statement of said account and deliver the same to the village clerk. The actual cost of such cutting, removal, grading and/or destruction, plus 20 percent for supervision, administration, and overhead shall become a debt to the village from the owner of such land, and the amount assessed, together with all charges thereon, shall become a lien on the land assessed of the same character and effect as the lien created by general law for taxes, until paid. In addition to these costs, in the event that village equipment is damaged while performing services pursuant to this article, the owner of the property shall be responsible to the village for damage to village equipment and such expenses shall be included in the actual costs listed above. The village may cut the weeds and grass as many times as is necessary to achieve compliance with this article and charge the costs to the property owner.

(Ord. No. 115, § 6, 5-3-2004; Ord. No. 152, §§ 1, 2, 7-19-2010)

#### **Sec. 10-105. Exemption.**

This provision of this article shall apply to all parcels of land in the village except lands zoned agricultural and lawfully used for farming in a manner appropriate to such use, railroads and parcels of land containing exempt vegetation, situated within the village. This article does not apply to the rear yard of any parcel which is more than 100 feet from any structure.

(Ord. No. 115, § 7, 5-3-2004)

Secs. 10-106--10-130. Reserved.