

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2011 -001**

An Ordinance to repeal Ordinance No. 113 of the Village of Maybee entitled Noxious Weed and Grass Control Ordinance of the Village of Maybee and to adopt this Ordinance pursuant to the authority granted by Public Act 359 of 1941 as amended, and which provides for the controlling and eradicating of certain weeds and grass within the Village of Maybee, to prevent such weeds and grass from growing to seed or blossom, to prevent such weeds and grass from becoming a fire hazard, and to control such weeds and grass to protect the health, safety and welfare of the citizens of the Village of Maybee.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Title.

This Ordinance shall be known and referred to as the Village of Maybee Noxious Weed and Grass Control Ordinance.

Section 2. Definitions.

1. The terms “weeds and grass” shall include but not be limited to Canada thistle, milkweed, wild carrot, oxide daisies, mustards, dodders, bindweed, perennial sowthistle, hoary alyssum, 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 may have grown into trees or other types of plant life over the years, and other types of weeds or grasses as the terms are commonly used, or other plant which in the opinion of the governing body of the Village of Maybee is regarded as a common nuisance.

2. “Exempt vegetation” shall mean weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye, agricultural crops, cultivated trees, cultivated shrubs, flowers or other decorative ornamental plants under cultivation and meadows in agricultural zoning districts.

Section 3. Duty to Cut Weeds and Grasses.

It shall be the duty of every person who owns and/or occupies land within the Village of Maybee to cut to a height not to exceed six inches, destroy and remove from said land all such weeds and/or grasses growing thereon.

Section 4. Newspaper Notice.

The Village of Maybee Clerk shall publish a notice in a newspaper of general

circulation in the Village during the month of March that weeds and/or grasses not cut by May first of that year will be cut by the Village and the owner of the property charged with the cost. The notice shall be substantially in the following form:

To Property Owners and Occupants of lands situated in the Village of Maybee, Monroe County, Michigan:

Notice is hereby given that all weeds and grass growing and brush on any lands within the Village of Maybee must be cut to a height not to exceed six (6) inches, and destroyed and removed to prevent such weeds and/or grass from going to seed or blossom, from becoming a fire hazard, and/or from creating a condition detrimental to the health, safety and welfare of the citizens of the Village of Maybee.

The provisions of the Noxious Weed and Grass Control Ordinance of the Village of Maybee 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, parcels of land containing exempt vegetation, or railroads situated within the Village.

Failure to comply with this notice on or before May 1 shall make the property owner liable for the costs of cutting, destroying and removing said weeds, grass and/or brush by the Village of Maybee, said cost to be levied and collected against said lands in the same manner as other taxes are levied and collected, and being a lien against said lands. The Village may cut the weeds and grass as many times as it necessary to achieve compliance with this Ordinance and charge the cost to the property owner.

Section 5. Penalty.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$100, which fine, when collected, shall become a part of the “Noxious Weed Control Fund” of the Village of Maybee. Each day that a violation shall continue shall constitute a separate offense. The foregoing penalties shall be in addition to the other rights of the Village to proceed at law or equity with other appropriate and proper remedies.

Section 6. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 7. Severability.

The Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 8. Effective Date.

This Ordinance shall become effective thirty (30) days after publication in a newspaper of general circulation in the Village of Maybee, Monroe County, Michigan.

I, Theresa Gross, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 12th day of October, 2011, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance (6)

Against the Ordinance (0)

Theresa Gross _____

Clerk, Village of Maybee

Attest:

Leonard G. Gaylor

President, Village of Maybee