

**VILLAGE OF EDWARDSBURG  
COUNTY OF CASS, STATE OF MICHIGAN  
ORDINANCE NO. 2002-01**

**Noxious Weeds/Grass Ordinance Amendment**

An ordinance to allow for the ability to control certain noxious weeds and to destroy said weeds; to control the height of grasses and uncultivated vegetation on all properties in the Village of Edwardsburg; to provide for such work to be performed by the Village of Edwardsburg upon the neglect, failure or refusal of the property owner or occupant to do so and for the recovery of costs and expenses incurred by the Village of Edwardsburg; and to provide for penalties for the violations.

The Village of Edwardsburg, Cass County, Michigan Ordains:

**SECTION I – PURPOSE**

Consistent with the letter and spirit of Act No. 184 the Public Acts of 1917, as amended, it is the purpose of this ordinance to control and destroy certain noxious weeds and to control the height of grasses and uncultivated vegetation on all properties in the Village of Edwardsburg. It is the further purpose of this Ordinance to provide for such work to be performed by the Village of Edwardsburg upon the neglect, failure or refusal of the property owner or occupant to do so and for the recovery of costs and expenses incurred by the Village as well as to provide for penalties for violations of the Ordinance.

**SECTION II – DEFINITIONS**

- A. Noxious weeds.** For the purpose of this Ordinance, “noxious weeds” shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indiana 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.) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or other plants which in the opinion of the Village Council, come under the provisions of this Ordinance and are regarded as a common nuisance.
- B. Grasses and uncultivated vegetation.** Any grasses and uncultivated vegetation the height of which exceeds ten (10) inches except trees, shrubs, bushes, wild flowers, cultivated flowers, ground cover, plants or gardens shall be subject to the enforcement provisions of this Ordinance.

### SECTION III – ENFORCEMENT

- A. This Ordinance shall be enforced by the Enforcement Officer as designated by the Village Council.
- B. The owner of any property on which noxious weeds are found to be growing shall destroy the weeds before they reach a seed bearing stage and prevent their regrowth. The owner of any property shall cut or cause to be cut grasses and uncultivated vegetation so as to prevent the height of said growth from exceeding ten (10) inches.
- C. **Notice to remove or eliminate noxious weeds, grasses or uncultivated vegetation.** The owner of any property upon which any noxious weeds, grasses or uncultivated vegetation is found to exist shall be notified in writing to eliminate such violations from such property within ten (10) day after service of the notice upon such individual. Said notices shall be served personally or via first class mail to the owner's last address of record.
- D. **Violation of Ordinance.** Failure to fully comply with such notice within the time allowed shall constitute a violation of this Ordinance. Any such violation may be corrected by the Village of Edwardsburg including, but not limited to providing the necessary labor and materials to correct the violation as a result of the neglect, failure or refusal of the property owner to do so and the Village of Edwardsburg shall be entitled to recover all costs and expenses so incurred in the manner set forth below.

### SECTION IV – PENALTIES FOR VIOLATION

Any owner who fails to fully comply with the notice mentioned above shall be subject to a fine of not more the One Hundred and 00/100 (\$100.00) per day per violation and each such violation shall be considered a civil infraction in which case the fine shall be a civil fine.

### SECTION V – LIEN ON RESIDENTIAL PREMISES

- A. **Assessment/payment.** The charges for remedying each violation shall constitute a lien on said premises that is incurred for the enforcement of Noxious Weeds/Grass Ordinance No. 2002-01.
- B. **Special assessment procedure.**
  - 1. The Village Treasurer shall, on March 31<sup>st</sup> of each year, certify all unpaid charges for enforcement of this Ordinance which as of the above date have remained unpaid for a period of six (6) months or more, to the Village Council.
  - 2. The Village shall set the date, time and location for a public hearing to address the delinquencies.

3. The Village Council shall properly publish the public hearing date, time and location and also shall send notice of such public hearing date, time and location via first class mail to the owner's last address of record for all delinquent property owners.
4. The Village Council shall adopt a resolution confirming the delinquencies and shall supply the assessment roll to the Village Treasurer, to be placed on the tax roll as a lien against the property in the form of a Special Assessment.
5. The lien shall be placed on the tax roll due July 1<sup>st</sup>.

#### **SECTION VI – SEVERABILITY**

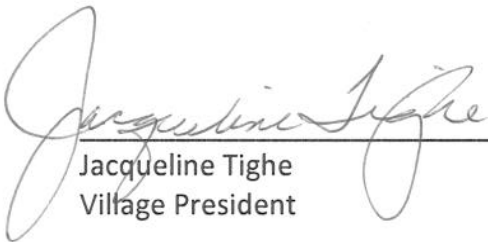
The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, words, section, or provisions is declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part of portion thereof.

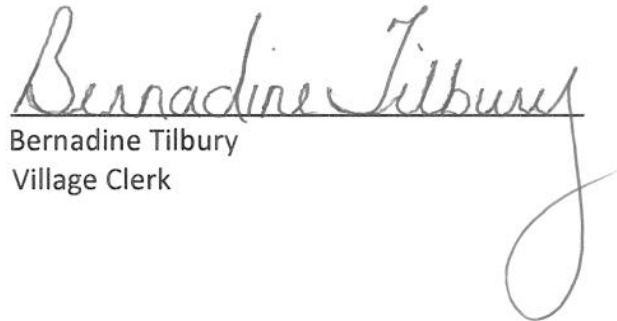
#### **SECTION VII – EFFECTIVE DATE**

The Ordinance shall become effective thirty-one (31) days after its publication as required by law.

#### **SECTION VIII – ADOPTION DATE**

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Edwardsburg, County of Cass, State of Michigan at a regular meeting held on the 16 day of May, 2016

  
\_\_\_\_\_  
Jacqueline Tighe  
Village President

  
\_\_\_\_\_  
Bernadine Tilbury  
Village Clerk

**MOTION TO ADOPT ORDINANCE**

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Motion made by Pat Bellaire and supported by Scott Mackling  
That the foregoing Ordinance Amendment be adopted.


Vote: Yes	<u>6</u>
No	<u>0</u>
Absent	<u>0</u>


Ordinance Amendment declared adopted at a regular meeting of the Edwardsburg Village Council on May 16, 2016.

**CERTIFICATION**

We hereby certify that the foregoing is a true copy of an Ordinance Amendment duly adopted by the Village of Edwardsburg, Ontwa Township, Cass County, Michigan on May 16, 2016.

  
\_\_\_\_\_  
Jacqueline Tighe  
Village President

  
\_\_\_\_\_  
Bernadine Tilbury  
Village Clerk



26296 U.S. 12 East  
P.O. Box 596  
Edwardsburg, MI 49112-0625  
(269) 663-8484

Date:

From the office of:

\_\_\_\_\_

\_\_\_\_\_

**10 DAY NOTICE**

Property Location: \_\_\_\_\_

To:

\_\_\_\_\_

(Name)

\_\_\_\_\_

(Address)

\_\_\_\_\_

(City, State & Zip Code)

**PLEASE TAKE NOTICE:** This notice is to advise you that you are in violation of the Noxious Weeds/Grass Ordinance No. \_\_\_\_\_ adopted by the Edwardsburg Village Council on the \_\_\_\_ day of \_\_\_\_\_, 2016. This Ordinance provides the Village of Edwardsburg to control and destroy certain noxious weeds and to control the height of grasses and uncultivated vegetation within the Village limits. The Ordinance also provides the Village with authority to perform any work necessary to enforce the Ordinance and assess payment for the same against the property owner of the property in question. The Ordinance further provides for certain penalties for violating the Ordinance including a fine of not more than One Hundred and 00/100 (\$100.00) Dollars per day per violation.

Please rectify the situation that exists with respect to the property described above immediately. Failure to do so within ten (10) days of the date of this notice will result in the Village performing the service and assessing the cost of said service to the property owner.

Your prompt cooperation in this matter would be appreciated. Thank you in advance for your consideration in this regard.

Respectfully,

\_\_\_\_\_  
Enforcement Officer