

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOXIOUS WEED CONTROL ORDINANCE NO. 237

ADOPTED: August 10, 2006

EFFECTIVE: September 23, 2006

An Ordinance adopted pursuant to 1941 PA 359, as amended, and 1945 PA 246, as amended, to secure the public health, safety and welfare of the residents and property owners of the Township of Valley, Allegan County, Michigan, by the control, regulation and eradication of certain weeds and growth within the Township; to provide penalties for the violation thereof; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF VALLEY
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as "The Valley Township Noxious Weed Control Ordinance."

SECTION II DEFINITIONS

For the purposes of this Ordinance, "noxious weeds" or "weeds" shall be defined as uncontrolled plant or growth over 12 inches in height which is out of character with the development of and landscaping in the neighborhood and contrary to the public health, safety or welfare thereof.

SECTION III

REGULATIONS

- A. It shall be the duty of all owners of land upon which any weeds are growing, as defined in this Ordinance, to prevent the same from becoming a detriment to public health and to destroy the same where necessary to fulfill this duty.

- B. It shall be the duty of all owners of the following described lands upon which uncontrolled plants or growth exists, in excess of 12 inches in height, which is out of character with the development of and landscaping in the neighborhood in which it is located and contrary to the public health, safety or welfare by contributing to the spreading thereof, to keep said plant growth cut to a height of not to exceed 12 inches.
- (1) Lands within 50 feet of a residential dwelling.
- C. **Parcels** or lots shall be **exempt** from the above-mentioned 12-inch height limitation provided said **parcel** or lots **are** naturally wooded and have plant growth consistent with the general character of the plant growth and landscaping in the surrounding neighborhood in which such **parcels** or lots **are** located.
- D. Nothing in this Ordinance shall **apply** to weeds in fields devoted to growing any **small** grain or food crop such **as** wheat, corn, oats, barley or **rye**.
- E. The Ordinance Enforcement Officer appointed by the Township Board shall be appointed as the commissioner of noxious weeds to enforce this Ordinance and shall inspect properties within the Township upon complaint and shall notify the owner of any lands which are not in compliance with this Ordinance of the violation thereof by Certified Mail with return receipt requested and the duty to cut such weeds. If such owner shall neglect or refuse to comply with said notice within 10 days from the receipt thereof, said Ordinance Enforcement Officer may enter upon such land of owner and or cut the weeds and growth thereon or cause the same to be cut by such other person or agent appointed by the Ordinance Enforcement Officer.

All expenses incurred in cutting shall be paid by the owner or owners of such land. The Township shall have a lien upon such land for such expense, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expense shall be subject to all interest and penalties provided for taxes due and collectable within the Township under the general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner or owners in an appropriate court of law for the collection of said debt.

- F. In the event the owner or owners can not be determined or notified as herein provided, after due diligence to do so, substitute notice can be given to the occupants of the premises or, in the event of vacant, unoccupied land, by publication in the newspaper of general circulation within the Township, once, at least 10 days prior to cutting of the weeds by the Township

Ordinance Enforcement Officer or agent, and such latter notice shall be deemed compliance with the notice requirements of this Ordinance.

SECTION IV

PENALTIES

A. Violation. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Fine
-1 st Offense	\$ 50.00
-2 nd Offense	75.00
-3 rd Offense	100.00

The above fine, when collected shall be paid to the Supervisor of Valley Township and shall become a part of the "Noxious Weed Control Fund" of the Township of Valley. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Valley Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00, nor more than \$500.00, be ordered. The foregoing sanctions shall be in addition to the right of the Township to proceed to enforce its lien against the land in question or to proceed in any other appropriate manner to recover its costs incurred in cutting of the weeds upon the property of any owner.

C. Remedial Action. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

SECTION V

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared by the courts 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 VI

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

VALLEY TOWNSHIP
Sally James, Clerk 2054
N. M40
Allegan, MI 49010
(269) 673-5962

**TOWNSHIP OF VALLEY
ALLEGAN COUNTY**

CLERK'S CERTIFICATE

Sally James, Valley Township Clerk, hereby certifies that in pursuance of law and statute provided, the Board enacted and passed Ordinance No. 237 at a regular meeting of the Valley Township Board held on August 10, 2006 at the Township Hall, said Ordinances to become effective on September 23, 2006.

The following members voted "aye":

es

Denise Medemar

Robert Kaarlie

The following members voted "nay":

Harry Smith

I further certify that in accordance with Township Board direction, a summary of the adopted Ordinance was published in the Allegan County News on August 24, 2006, and that said Ordinance was recorded in the Ordinance book on (August 23, 2006). I further certify that an attested copy of said Ordinance was filed with the Allegan County Clerk on _____, 2006.

DATED: 8-23-06

Sally James, Clerk _____

Attest:

, Supervisor