

**VILLAGE OF GRAND BEACH**

**COUNTY OF BERRIEN**

**STATE OF MICHIGAN**

**Ordinance No. 2021-100**

**Effective Date July 25, 2021**

**WEED CONTROL AND GRASS CUTTING ORDINANCE**

**AN ORDINANCE TO CONTROL THE OVERGROWTH OF WEEDS AND GRASS WITHIN THE VILLAGE TO PROTECT THE VILLAGE AGAINST BRUSH FIRES AND OTHER RELATED NUISANCES FOR THE BENEFIT OF THE GENERAL HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, AND TO PROVIDE FOR REMEDIES UPON NONCOMPLIANCE.**

The Village of Grand Beach Ordains:

Section 1. 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 official” means the Village building official, zoning official, police officers, and/or their designees.

“Exempt vegetation” means a cultivated garden, cultivated trees, cultivated shrubs, flowers and other decorative ornamental plants under cultivation, protected dune grasses, wildflowers, vegetation on woodlands or wetlands, cultivated meadows, and meadows in a Planned Unit Development or other approved site plan. Vegetation growing in roadside ditches is included in this definition of exempt vegetation.

“Weeds and grass” and/or “weeds, brush, and grass” shall include but not be limited to Canada thistle, dodders (any species), milkweed, ox-eye daisies, goldenrod, burdock, mustards (charlock, black mustard, and Indian mustard, species of Brassica or Sinapis), wild carrot, bindweed, perennial sowthistle, hoary alyssum, giant hogweed, ragweed, Japanese knotweed, poison ivy, poison sumac, and poison oak, and/or 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.

Section 2. Duty to remove. It shall be the duty of every person and property owner(s) who own or occupy lands within the Village to cut weeds and grass 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.

### Section 3. Notice.

(a) Publication. The Village Clerk shall publish a notice at least one time per year, the first time upon adoption, and thereafter 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 100 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 Grand Beach, Berrien County, Michigan. Notice is given that all weeds, brush and grass growing on any lands 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. 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 or its representatives or agents, and the costs may be levied and collected in the same manner as taxes are levied and collected, with the costs 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 required in section (a), the notice shall be posted on the Village website, and at the Village Hall.

(d) Not less than seven (7) days prior to cutting the weeds, brush or grass, a building official shall provide written notice to the property owner of the intention of the Village to cut the weeds, brush or grass, which notice shall refer to the intention of the Village to do so after a set date. Notice can be mailed, but it shall also be posted in a conspicuous place on the front door or front lawn of the property.

Section 4. Failure to comply. If the owner of any land fails to comply with the order given as provided in this article within the seven day time period, a building official shall cause such weeds and/or grass to be cut, destroyed, and removed. 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 10 percent for supervision, administration fees, 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. 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.

Section 5. Repealer. Any ordinance that directly conflicts with this Ordinance is hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective 30 days after publication of a summary in a newspaper of record for the Village of Grand Beach.

AYES: James Bracewell, Paul Leonard Jr., Deborah Lindley and Blake O'Halloran

NAYS: None

ORDINANCE DECLARED ADOPTED.

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Mary Robertson, Village Clerk

CERTIFICATION

I, MARY ROBERTSON, duly appointed Clerk in and for the Village of Grand Beach, Berrien County, Michigan, do certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Village Council during its Regular Meeting, held on the 16<sup>th</sup> day of June, 2021, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

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Mary Robertson, Village Clerk