

**NEW BUFFALO TOWNSHIP**

**GRASS, NOXIOUS WEEDS AND VEGETATION ORDINANCE**

Ordinance No. 20110729

Adopted: 7-29-11

Published: 8-12-11

Effective 30 days after publication

An ordinance to provide regulation and control of overgrowth of grass, noxious weeds and vegetation within New Buffalo Township.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. TITLE**

This ordinance shall be known as the "Grass, Noxious Weeds and Vegetation Ordinance".

**SECTION 2. PURPOSE**

It is hereby determined to be desirable and necessary for public health, safety and welfare of New Buffalo Township, Berrien County, Michigan, that a Grass, Noxious Weeds and Vegetation Ordinance be established to ensure that each property owner within the Township shall be responsible for cutting their grass regularly, cutting and destroying any Canada thistles, milkweeds, wild carrots, oxeye daisies, ragweed, poison ivy, tall grass and any other noxious vegetation growing or situated on any area of their property within the Township.

**SECTION 3. DUTY TO CUT**

It shall be the duty of every property owner, possessor or occupier of land within New Buffalo Township to cut down or use herbicides that are safe to surrounding properties, on all grass, noxious weeds and poisonous weeds growing thereon any time as such weeds and grasses exceed six (6) inches in height, and as often as necessary to prevent them from going to seed.

In order to effectively enforce and control the elimination of noxious weeds and grasses, all noxious weeds, and grasses which are of a height of six (6) inches or more growing or lying upon any property within New Buffalo Township are hereby declared a public nuisance.

**SECTION 4. FAILURE TO COMPLY**

New Buffalo Township shall give written notice to the owner of any property containing vegetation as described in the sections above by first class mail to such owner as taken from the tax rolls, and such owner shall be given notice and shall have ten (10) days from and after such notice to remove or cut the grass and noxious vegetation from the property. In the event such owner does not cut and destroy the grass or noxious vegetation on the property within the ten (10) days as required, the Township may enter such premises and cut and destroy such grass and noxious vegetation. This notice shall suffice as notice for the entire growing season. In the event said grass and noxious vegetation is again allowed to grow to a height of six (6)

inches or more, the Township shall have the right to remove said vegetation without additional notification.

SECTION 5. EXCEPTION

This ordinance does not apply and shall not be enforceable to land that is zoned Ag. Agriculture and/or used as agriculture land. This ordinance does apply to and shall be enforceable to the front, side and rear yards (as defined in the Township Zoning Ordinance) of land in an Ag Agriculture district or land used as Ag Agriculture land.

SECTION 6. PENALTY

In the event the Township is required to cut and remove the noxious vegetation from any property, as provided by the preceding Sections, the Township shall thereafter bill the owner of such property for the expense of cutting and removing/destroying such grass and noxious vegetation and the owner of such property shall be responsible for the expense of cutting and removing/destroying the same. In addition to the owner of such property being responsible for the expense of cutting and removing/destroying such grass and noxious vegetation the owner of such property shall be penalized by a fine not exceeding \$200 for the first offense, a fine not exceeding \$350 for the second offense, and a fine not exceeding \$500 for each subsequent offense.

In the event that any property owner does not pay the Township the expense of cutting and removing/destroying grass and noxious vegetation, after being billed as outlined above, the expense of so cutting and removing/destroying shall be added to the tax bill of the owner of such property and become a lien against said property, and shall be collected in a like manner as taxes are collected.

SECTION 7. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

SECTION 8. EFFECTIVE DATE.

This ordinance shall take effect 30 days after its publication.

A motion that said Grass, Noxious Weeds and Vegetation Ordinance be enacted was made by ROSE and supported by BOB at a regular meeting of the New Buffalo Township Board on the 29th day of JULY, 2011.

The names of the Township Board members and their votes are as follows:

NAME	YES	NO
Rose Dudiak	<u>X</u>	_____
Paul Oselka	<u>PO</u>	_____
Jack Rogers	<u>JR</u>	_____
Peter Rahm	<u>PR</u>	_____
<u>BOB HEIT</u>	<u>BH</u>	_____

Robert Heit

7

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the New Buffalo Township Board at a meeting held on the 29~~th~~ day of , 2011, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: 7-29, 2011

Paul Oselka  
Paul Oselka, Clerk

Heber  
County  
News

I hereby certify that a summary of the foregoing Ordinance was published in the Heber County News, ~~the~~ New Buffalo, Michigan, on the 12 day of August, 2011.

Paul Oselka  
Paul Oselka, Clerk