

**THE VILLAGE OF MILLINGTON
ORDINANCE NO. 82**

An Ordinance amending Chapter 16 entitled Vegetation of the Village of Millington Code of Ordinances

The Village of Millington ordains:

Section 1: **Chapter 16, Article III. Weeds Repealed.** Chapter 16, Article III of the Village of Millington Code of Ordinances is hereby repealed and replaced with the following:

ARTICLE III. WEEDS

Prohibited growths enumerated; declaration of such weeds to be a public nuisance.

It shall be unlawful for the owner or occupant or any person having control or management of any lot, place or parcel of land within the Village to permit or allow the presence thereon, or on any portion thereof, of noxious weeds of any kind, including Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior*) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), hitchhiker or devils pitchfork (*Bidens* species), sow thistle (*Sonchus* species), goldenrod, or any other varieties, species or plants which in the opinion of the Village council is regarded as a common nuisance. The presence of such weeds upon any lot or parcel of land within the limits of the Village is hereby declared to be a public nuisance.

Duty to abate; exemption.

(a) It is hereby made the duty of the owner or occupant or any person having control or management of any lot, place, area or parcel of land within the Village upon which noxious, poisonous or injurious weeds, as described in section 82-31, are found growing or standing to destroy or cause the same to be destroyed in such manner as shall effectually prevent such weeds from perpetuating themselves. Control shall be at such times as may be necessary in order to prevent such noxious, poisonous or injurious weeds from going to seed. No owner or occupant or any person, agent, firm or corporation having control or management of property in this Village shall knowingly suffer any noxious, poisonous or injurious weeds, as described in section 82-31, to grow upon the land in noncompliance with the section, or shall permit such weeds to ripen so as to cause or present a danger of the spreading of such weeds.

(b) Notwithstanding subsection (a) of this section, lands more than 200 feet from the nearest residential or the nearest commercial building, measured from the part of such building nearest to the land and more than 100 feet from the centerline of the nearest public street pavement, shall be exempt from the provisions of this section.

Other weeds, grass and brush over six inches in height; duty of owner of land to abate; exemptions for certain lands; variances.

(a) It shall be unlawful for the owner or occupant or any person having control or management of any lot, place, area or parcel of land within the Village to permit or allow the presence thereon of weeds, grass or brush exceeding a height of six inches above the ground level when such

growth is within 75 feet of the nearest residential or the nearest commercial building, measured from the part of the building nearest to such land, or within 100 feet of the centerline of the nearest public street pavement, and the growths are hereby declared to be a public nuisance. It shall be the duty of every owner, occupant and person in charge of such property upon which any of the weeds, grass or brush are permitted to remain to cause the growth to be cut down, destroyed or removed prior to its height reaching six inches.

(b) Notwithstanding subsection (a) of this section, the following lands shall be exempt from the provisions of this section:

- (1) Undeveloped wooded areas where tree growth is in excess of ten feet in height.
- (2) Lands where occupied lots have been developed without removing the original natural cover.

(c) Notwithstanding subsection (b) of this section, the following lands shall be exempt from the provisions of this section, provided that the owner of the land petitions for exemption from the provisions of this section in writing to the Village council: Lands for which, by reason of exceptional narrowness, shallowness, shape, inaccessibility, topographic features, or other extraordinary or exceptional conditions, the strict application of this article would result in peculiar or exceptional practical difficulties to, or exceptional undue hardships upon, the owner of such property; provided, however, that such relief may be granted without substantially impairing the intent and purpose of this article. In granting a variance, the council may attach thereto such conditions regarding the location, character and other features of the proposed uses, as it may deem reasonable in furtherance of the purpose of this article. In granting a variance, the council shall state the grounds upon which it justifies the granting of a variance.

Violation of article a civil infraction.

A violation of any of the provisions of this article shall constitute a civil infraction, which may be treated as a municipal civil infraction.

Notice to owner or occupant by publication to abate.

It is hereby made the duty of the department of public works of the Village to give general notice to every owner or occupant, or any person, agent, firm or corporation having control or management of any land wherein noxious, poisonous or injurious weeds, or any weeds, grass or brush exceeding a height of six inches are growing, standing or present, to cut down, destroy or remove the growths. Such general notice shall be made by publication in a newspaper of general circulation in the Village at least once in each calendar year, and shall read substantially as follows:

Village of Millington

Notice of Provisions of the Weed Ordinance

To: All owners, occupants or possessors of land in the Village of Millington.

Notice is hereby given that in accordance with chapter 16 of the Village of Millington Code of Ordinances all noxious, poisonous or injurious weeds, or other weeds, grass or brush exceeding a height of six inches upon any property in the Village of Millington shall be cut down, destroyed or removed, as the case may be, to prevent growth in excess of six inches. A violation of these provisions shall constitute a civil infraction, which may be treated as a municipal civil infraction and fees will be assessed according to the Village Schedule of Fees.

Notification, enforcement.

(a) If a property covered by provisions of this article is not mowed in accordance to this article, and no exemption has been issued, a notice shall be sent by U.S. Mail to the owner of record of the property, and to the occupant, if not the owner, advising him or her of the requirements of this article and providing ten days to comply with the provisions. One notice per parcel per season shall be deemed adequate notification for the entire mowing season.

(b) All properties not in compliance with this article after the ten-day period provided in subsection (a) of this section shall be mowed by the Village, or a contractor of the Village and charges billed to the owner of record. Any additional work required to mow the property such as litter removal will also be charged as provided.

(c) Upon determination by the Village that the condition of a property is a violation of this article and presents a potential threat to the public health, safety or welfare, the Village may waive the ten-day notification period required in subsection (a) of this section and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.

(d) All charges, which remain unpaid as of June 1 annually, shall become a lien against the subject property and shall be assessed against the property on the Village tax roll.

Section 2: **Repeal of Conflicting Ordinances.** All ordinances or parts of ordinance in conflict herewith are hereby repealed.

Section 3: **Effective Date.** This ordinance shall become immediately upon publication.

VILLAGE OF MILLINGTON

BY:

Gailan Reinert
GAILAN REINERT,

ITS: VILLAGE PRESIDENT

ATTEST:

Rebecca Kochenderfer
REBECCA KOCHENDERFER,
VILLAGE CLERK

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 82, duly adopted by the Council of the Village of Millington at a Regular meeting held on June 11, 2007 at 6:00 p.m. in the Council Chambers of the Municipal Building, Millington, Michigan, and that a synopsis of said Ordinance No. 82 was on the 22nd day of June, 2007, published in the Millington Herald, a newspaper printed and circulated in the Village of Millington.

VILLAGE OF MILLINGTON

BY:

Rebecca Kochenderfer
REBECCA KOCHENDERFER,

ITS: VILLAGE CLERK