

VILLAGE OF BANCROFT

ORDINANCE NO.

288-16

(Enacted May 11, 2016)

An Ordinance to Regulate the Cutting of Grasses, Shrubs, Trees and Noxious Weeds

The Village of Bancroft Ordains:

Section 1: Purpose: An ordinance to promote the safety and health of persons by deterring the proliferation of rodents, mosquitos, insects and other nuisance animals, as well as to promote the beauty of the Village, the Village Council enacts this ordinance and penalties to regulate the trimming of grass, cutting of trees, shrubs and the removal of noxious weeds.

Section 2: Cutting of Grass: It shall be unlawful for any person or partnership, corporation or business (hereafter, collectively referred to as "person" or "persons") that occupies and/or owns a parcel of real estate in the Village to allow any grass to exceed the average height of six (6) inches as measured over the general area of a lawn. This area is to include all fenced areas, open areas, curtilage and Village property located adjacent to a parcel of land between the sidewalk and the curb line.

2.A. Exclusions: Section 2 of this section shall not apply to any commercial, agricultural operations, nor any contiguous parcel exceeding three (3) acres in total size providing that any curtilage around any building is in compliance with the above maximum six inch grass height. Any front yard area must also be in compliance with the maximum six inch grass height.

2.A.i. Definition of Front Yard: A front yard as used in this ordinance shall mean that portion of a lot enclosed by the property's front lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the front of a residential dwelling and extending to the side lot lines.

Section 3: Cutting and/or Removal of Noxious Weeds: It shall be unlawful for any person that occupy and/or own a parcel of real estate in the Village to allow any noxious weeds to grow on said premises.

3.A. Noxious weeds are hereby defined as: ragweed, hoary alyssum, mustard, Canada thistle, bindweed, dodder, wild carrot, purple loosestrife, currant/gooseberry, perennial sowthistle, poison ivy, poison sumac.

Section 4: Cutting and/or Trimming of Trees and Shrubs: It shall be unlawful for any person that occupies and/or owns a parcel of real estate in the Village to allow any tree, bush or shrub to grow above a public sidewalk at any height less than eight (8) feet above the sidewalk.

Section 5: Entry upon Property/Cutting or Trimming and Assessment of Costs: If any person or persons occupying or owning any real estate shall neglect to cut or cause to be cut any grasses or noxious weeds as required above, or remove any shrub, bush or tree growing over any public sidewalk at a height of less than eight (8) feet above the sidewalk, the Village shall notify said person by personal service, first class US Mail or by posting a written notice upon said property, informing any occupant(s) or owner(s) that the Village will enter upon the premises not less than ten (10) days after giving notice by personal service, US mail or posting, and cut and/or remove the offending grasses, noxious weeds, shrubs and/or

trees. The costs and expenses for such cutting or removal shall be assessed against any or all occupants and/or owners or assessed upon the property if an owner or occupant does not alleviate the offending grasses, noxious weeds, shrubs and/or trees within ten (10) days after providing notice of the violation(s).

Section 6: Penalty: A violation of this ordinance shall be punishable by a municipal civil infraction carrying a fine of \$ 50.00 in addition to any cutting or mowing costs provided for under Section 5. A separate violation exists for each day that a property is not in compliance with this ordinance and a new, additional municipal civil infraction may be issued for each day the property is not in compliance with this ordinance.

Section 7: If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remain portions of this ordinance. The Village of Bancroft declares that it would have passed this ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 8: To the extent that any prior ordinance contradicts this ordinance, such other ordinance is deemed invalid during the period of this ordinance, only to the extent necessary to give all provisions of this ordinance full effect.

Section 9: This ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to Michigan Compiled Law 66.1.

Adopted at a regular meeting of the Village Council held on the 11th day of May, 2016.

Yeas: Bible, A. Miller, Barnum, R. Miller, Johnson

Nays: None

Absent: Green

Signed: Christopher S. Johnson

Christopher S. Johnson

Village President

I certify that the above is a true and complete copy of Ordinance No. 288-16 adopted by the Village Council at a Regular Meeting held on the 11th day of May, 2016 and published in

the Independent newspaper on

May 29, 2016.

Karen Cole

Karen Cole, Village Clerk