

# ORDINANCE NO. 6

## WEED CONTROL

---

*AN ORDINANCE REGULATING AND CONTROLLING THE GROWTH OF WEEDS AND OTHER POISONOUS OR HARMFUL VEGETATION IN THE VILLAGE OF DEERFIELD, PROVIDING FOR THE REMOVAL THEREOF, AND ASSESSING OF COSTS THEREFORE, AND FOR PENALTIES FOR VIOLATIONS THEREOF.*

---

### THE VILLAGE OF DEERFIELD ORDAINS:

#### **Section 1. CUTTING AND REMOVING OF GRASS, WEEDS AND OTHER POISONOUS OR HARMFUL VEGETATION**

It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the Village of Deerfield to permit or maintain on any such lot or land any growth of brush, grass, or any other vegetation to a height greater than ten inches on the average or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person or persons to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grown on any such lot or land.

#### **Section 2. DUTY OF OWNER, LESSEE OR OCCUPANT**

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut or removed by lawful means all such brush, weeds, grass or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Section 1, above.

#### **Section 3. WHEN VILLAGE TO DO WORK [\(amended by 2004-1\)](#)**

If the provisions of the foregoing sections are not complied with, the Village Council shall server either personally, or by regular mail, written notice upon the owner, lessee, or occupant or any person having the care or control of any such lot or land to comply with the provisions of this Ordinance. If the person upon whom the notice is served fails to cut, remove such weeds, grass or other vegetation within seven (7) days after mailing or personal service of such notice, or if no owner can be found of such lot, the Village Council shall cause such weeds, grass, or other vegetation to be removed and the actual cost of such cutting or removal shall be certified by the Village Council and shall become a lien upon the property on which such weeds, grass, or other vegetation were located, and shall be assessed and collected in the same manner provided by law for collection of taxes.

#### **Section 4. EXEMPTIONS**

Exempted from the provisions of this Ordinance are flower gardens, plots of shrubbery, vegetable gardens, small grain plots and agricultural crops. An exemption under the terms of this Ordinance cannot be claimed unless the land has been subjected to horticultural operations.

#### **Section 5. PENALTY [\(amended by 2004-1\)](#)**

a. *Municipal Infraction.* A violation of this Ordinance shall be a municipal civil infraction punishable as follows:

- i. First violation: \$100 fine
- ii. Second violation within a two (2) year period: \$200 fine
- iii. Third or subsequent violation within a two (2) year period \$500 fine.

In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau.

b. *Abatement of Violation.* In addition to, or in lieu of, enforcing this Ordinance by issuance of municipal civil infraction(s), the Township may institute an appropriate action in a Court of general jurisdiction seeking equitable relief, which shall include, but not limited to, an order to abate the nuisance.

### **Section 6. DEFINITION**

The word "person" as used in this Ordinance shall mean and include persons, corporations, partnerships, associations, joint stock companies, societies, and all other entities of any kind capable of being sued.

### **Section 7. SEVERABILITY**

Should any provision or section of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **Section 8. EFFECTIVE DATE** [\(amended by 2004-1\)](#)

This Ordinance shall take effect immediately upon publication.

YEAS:

NAYS:

ORDINANCE DECLARED ADOPTED ON SEPTEMBER 8, 1981.

Charles A. Iott

President, Deerfield Village

### **CERTIFICATE OF ADOPTION AND PUBLICATION**

**I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Village Council of the Village of Deerfield on September 8, 1981 and published in the Blissfield Advance, a newspaper circulated in the Village of Deerfield on September 16, 1981.**

Sandra Witt

Deerfield Village Clerk