

**WEED CONTROL  
VILLAGE OF SHEPHERD, MICHIGAN  
ord. no. 6110 eff. June 21, 1981  
amendment eff. August 11, 2011**

An ordinance for the removal of noxious weeds within the Village of Shepherd.

**THE VILLAGE OF SHEPHERD ORDAINS:**

No owner of any lot, place or area within the Village, or the agent of such owner, shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, or other noxious matter, that may be growing, lying or located thereon.

**WEED CONTROL ORDINANCE  
VILLAGE OF SHEPHERD, MICHIGAN**

An ordinance to amend the Weed Control Ordinance of the Village of Shepherd, Michigan as follows:

**THE VILLAGE OF SHEPHERD ORDAINS:**

**SECTION 1:** No person, firm or corporation, owning or occupying any property within the Village of Shepherd, shall permit any grass or weeds or any vegetation whatsoever, not eatable or planted for some useful or ornamental purpose grow or remain upon such premises so as to exceed a height of *six (6)* inches or throw off any unpleasant or obnoxious odor. Any grass, weeds, or other vegetation growing upon any premises in the Village of Shepherd in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitant of the Village of Shepherd.

**SECTION 2:** The owner of the premises, as to vacant premises or premises occupied by the owner and the occupant thereof, in case of premises occupied by other than the owner thereof shall remove, trim, cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of the first section of this ordinance. *In the event that the Chief of Police is required to post two consecutive postings annually for this violation at a specific residence that is abandoned or in foreclosure, the DPW Superintendent is hereby automatically authorized and empowered to pay for the cutting, destroying, and or removing of such weeds, grass or deleterious, unhealthful growths, or other noxious matter, or to order the removal by the Village without the posting requirements by the Police Department for this violation.*

**SECTION 3: NOTICE TO DESTROY** The Village Police Chief is hereby authorized to give notice, by personal service or United States Mail, to the owner or occupant, as the case may be, of any premises wherein, grass, weed or other vegetation is growing or remaining, in violation of the provisions of the first section of this ordinance, directing and requiring such occupant to remove, trim, or cut such grass, weed, or other vegetation so as to conform to the requirements of this ordinance within five (5) days of receipt of such notice. In the event there is no occupancy, or the owner cannot be located within the Village of Shepherd, then notice shall be posted on the premises.

**SECTION 4: ACTION UPON NON COMPLIANCE** Upon the failure, neglect, or refusal of any owner or agent so notified, to cut destroy, and/or remove weeds, grass or other vegetation or other noxious matter, growing, lying or located on such owner's property or upon the sidewalk abutting same within the time frame set forth above or within 10 days after the date of such notice in the event that the same is returned to the Village Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Village DPW Superintendent is hereby authorized and empowered to

pay for the cutting, destroying, and or removing of such weeds, grass or deleterious, unhealthful growths, or other noxious matter, or to order the removal by the Village.

**SECTION 5: CHARGE INCLUDED IN TAX BILL** When the Village has affected the removal of such noxious growth or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of one per cent (1%) per month from the date of completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Village, and said charge shall be due and payable by said owner at the time of payment of such tax bill.

**SECTION 6: RECORDED STATEMENT CONSTITUTES LIEN** Where the full amount due the Village is not paid by such owner within sixty (60) days after the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths, or other noxious matter, as set forth in subsections 2 and 3 above then, in that case, the Village Clerk shall cause to be recorded in the Treasurer's office of the Village a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recodation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of Court, if any, for collection until final payment has been made; said cost and expense shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of one per cent (1%) per month in the event same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent: sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

**SECTION 7: PENALTY** Any person, firm, or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and the penalty for which shall be a fine of not less than \$50.00 not more than \$100.00 and cost of prosecution.

**PROVIDED:** Each day's violation shall constitute a separate offense and notice to the offender shall not be necessary to constitute an offense.

**SECTION 8: ORDINANCE REPEALED** All ordinance and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Effective Date.

This ordinance shall take effect thirty (30) days after its adoption:

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| Adopted:   | July 16, 2001  |
| Published: | August 1, 2001 |
| Effective: | July 16, 2001  |

**Effective Amendment Date:**

**This amended ordinance shall take effect fifteen (15) days after its publication:**

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|-------------------|------------------------|
| <b>Adopted:</b>   | <b>July 18, 2011</b>   |
| <b>Published:</b> | <b>July 27, 2011</b>   |
| <b>Effective:</b> | <b>August 11, 2011</b> |

- 35.201** (a) **NOTICE TO DESTROY:** The Chief of Police is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the Village or the agent of such owner, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths, or other noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same. Such notice shall be by certified mail, addressed to said owner, or agent of said owner, at his last known address. (ord. no. 6110 eff. June 21, 1981)
- 35.202** (b) **ACTION UPON NONCOMPLIANCE:** Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, destroy and/or remove weeds, grass, or deleterious, unhealthful growths, or other noxious matter, growing, lying or located on such owner's property, or upon the sidewalk abutting same, within seven (7) days after receipt of the written notice provided for in subsection (a) above, or within ten (10) days after the date of such notice, in the event the same is returned to the Village Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Village Superintendent is hereby authorized and empowered to pay for the cutting, destroying and/or removing of such weeds, grass, or deleterious, unhealthful growths, or other noxious matter, or to order the removal by the Village.  
(ord. no. 6110 eff. June 21, 1981) (Rev. 6/81)
- 35.203** (c) **CHARGE INCLUDED IN TAX BILL:** When the Village has effected the removal of such noxious growth or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of one per cent (1%) per month from the date of completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Village, and said charge shall be due and payable by said owner at the time of payment of such tax bill.  
(ord. no. 61 10 eff. June 21, 1981)
- 35.204** (d) **RECORDED STATEMENT CONSTITUTES LIEN:** Where the full amount due the Village is not paid by such owner within sixty (60) days after the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths, or other noxious matter, as set forth in subsections (b) and (c) above, then, in that case, the Village Clerk shall cause to be recorded in the Treasurer's office of the Village a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of Court, if any, for collection until final payment has been made; said cost and expense shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of one per cent (1 %) per month in the event same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent; sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.  
(ord. no. 6110 eff. June 21, 1981)
- 35.205** (e) **ORDINANCE REPEALED:** All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.  
(ord. no. 6110 eff. June 21, 1981)

**35.206**

**EFFECTIVE DATE:** The ordinance shall take effect and be in force twenty (20) days from and after its enactment as provided by the statutes of the State of Michigan governing Villages.

Passed and Approved: June 1, 1981

Published: June 10, 1981

Effective: June 21, 1981