

**VILLAGE OF ORTONVILLE**  
**NOXIOUS WEED ORDINANCE**

**ORDINANCE NO. 66**

An ordinance to amend Chapter 90 of the Code of Ordinances to adopt a new ordinance regulating noxious weeds in the Village.

THE VILLAGE OF ORTONVILLE HEREBY ORDAINS:

**Section 1. Repeal of Sections 90.20 through 90.25.**

The Village Council hereby repeals Sections 90.20 through 90.25 of Chapter 90 of the Village of Ortonville Code of Ordinances.

**Section 2. Adoption of New Noxious Weed Ordinance.**

The Village Council hereby adopts a new noxious weed ordinance to read as follows:

***Noxious Weed Control***

**90.20 Intent.**

An owner, agent, or occupant of premises shall not permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than eight inches on the average; nor any accumulation of dead weeds, grass or brush on any lot. This ordinance does not apply to (1) weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye; (2) cultivated gardens; and (3) plots of shrubbery.

**90.21 Definition of Noxious Weeds.**

Noxious weeds are defined as 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*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* 1.) poison ivy (*rhus toxicodendron*) and poison sumac (*toxicodendron vernix*).

**90.22 Duty of Owner, Agent or Occupant.**

It shall be the duty of the owner, agent or occupant of any premises within the Village to cut and remove or destroy by lawful means all such noxious weeds and grass as often as may be necessary to comply with the provisions of this ordinance.

### **90.23 Action by Village upon failure of owner to comply.**

If any person fails to comply with the provisions of this ordinance by the specified time, the Village President or his designee shall enter upon the land and cut the prohibited grasses and/or destroy the noxious weeds. The President or his designee shall keep an accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this ordinance and shall make a sworn statement of the account and present it to the Village Treasurer.

### **90.24 Collection of costs from owner.**

Expenses incurred in the destruction shall be paid by the owner of the land and the Village shall have a lien against the land for the amount of the expense.

### **90.25 Violations.**

An owner who refuses to destroy noxious weeds as required by this ordinance is subject to a fine of not more than \$100.00.

### **90.26 Notice of Requirements.**

The Village clerk shall publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year or as often as required by this ordinance may be cut or destroyed by the Village and the owner of the property charged with the costs. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this ordinance.

## **Section 3. Effective Date.**

This Ordinance shall take effect 30 days after publication.

At a regular meeting of the Village Council held on March 23, 2009, Trustee Batten moved for adoption of the foregoing ordinance and Trustee Eschmann supported the motion.

Voting for: Batten, Nivelte, Kassuba, Champion, Eschmann, Green, Quisenberry  
Voting against: None

The President declared the ordinance adopted.

---

Kenneth Quisenberry, President

**Certification**

Julie Alexander certifies that the foregoing is a true copy of Ordinance No. 66 which was enacted by the Village Council at a regular meeting held on March 23, 2009.

\_\_\_\_\_  
Julie Alexander, Village Clerk