

VALLEY TOWNSHIP

ORDINANCE NO. 257

ADOPTED: 9/13/16

**EFFECTIVE: THIRTY DAYS AFTER
PUBLICATION AFTER ADOPTION**

An Ordinance to amend the Valley Township Noise Ordinance (No. 219) the Valley Township Noxious Weed Control Ordinance (No. 237) and the Valley Township Dangerous Buildings Ordinance (No. 228); and the repeal all ordinances or parts of ordinances in conflict herewith.

**VALLEY TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AMENDMENTS TO VALLEY TOWNSHIP NOISE ORDINANCE (ORD. NO. 219)

Subsection H of Section IV of the Valley Township Noise Ordinance (No. 219) is hereby amended to read as follows:

H. The discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through an efficient muffler or other device which effectively prevents loud or explosive noises therefrom.

Subsections D and E of Section VI of the Valley Township Noise Ordinance (No. 219) are hereby deleted in their entirety. Former Subsection F is now relabeled as Subsection D.

SECTION II

**AMENDMENTS TO VALLEY TOWNSHIP NOXIOUS WEED
CONTROL ORDINANCE (ORD. NO. 237)**

Section II of the Valley Township Noxious Weeds Ordinance (No. 237) is hereby amended to read as follows:

Noxious weed refers to any plant that is designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property. For the purposes of this ordinance, it also refers to plants that may be wanted by a specific property owner but have become unsightly and overgrown (12 inches or higher) leading to the overall detriment of surrounding properties.

Subsections A, B, C, E and F of Section III of the Valley Township Noxious Weeds Ordinance (No. 237) are hereby amended to read as follows:

A. It shall be the duty of owners of land upon which any weeds are growing, as defined in this Ordinance, to prevent the same from becoming a nuisance or a detriment to public health and to destroy the same where necessary.

B. Parcels within 50 feet of a residential dwelling shall limit weed and plant growth to no more than twelve (12) inches.

C. Parcels or lots shall be exempt from the above mentioned 12-inch height limitation provided parcel or lots are naturally wooded and have plant growth consistent with the general character of plant growth and landscaping in the surrounding neighborhood in which such parcels or lots are located.

E. The Ordinance Enforcement Officer appointed by the Township shall enforce this Ordinance and shall inspect properties within the Township upon complaint and shall notify the owner of any lands which are not in compliance with this Ordinance. If such owner shall neglect or refuse to comply with said notice within 10 days, the Ordinance Enforcement Officer may enter the property and cut the weeds and growth thereon or cause the same to be cut by such other person or agent appointed by the Ordinance Enforcement Officer.

All expenses incurred in cutting shall be paid by the owner or owners of such land. The Township shall have a lien upon the property for such expense, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expense shall be subject to all interest and penalties provided for taxes due and collectable within the township under the general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner or owners in an appropriate court of law for the collection of said debt.

F. In the event the owner or owners can not be determined or notified as herein provided, after due diligence to do so, substitute notice can be given to the occupants of the premises or, in the event of vacant unoccupied land, by publication in the newspaper of general circulation within the Township, once, at least 10 days prior to cutting of the weeds by the Township.

Subsection D of Section III remains unchanged.

Subsection B of Section IV of the of the Valley Township Noxious Weeds Ordinance (No. 237) are hereby amended to read as follows:

B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

1 st Offense	\$75.00
2 nd Offense	\$100.00
3 rd Offense	\$150.00

The above fine, when collected shall be paid to Valley Township and shall become a part of the “Noxious Weed Control Fund” of the Township of Valley. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. The foregoing sanctions shall be in addition to the right of the Township to proceed to enforce its lien against the land in question or to proceed in any other appropriate manner to recover its costs incurred in cutting of the weeds upon the property of the owner.

SECTION III
AMENDMENTS TO VALLEY TOWNSHIP DANGEROUS BUILDINGS
ORDINANCE (ORD. NO. 228)

Section I of the Valley Township Dangerous Buildings Ordinance (Ord. No. 228) is hereby amended to read as follows:

SECTION I: TITLE

This Ordinance shall be known and cited as the Valley Township Dangerous Buildings Ordinance and the State Construction Code as adopted and Enforced by Valley Township (Ordinance 238, Amendment to the Valley Township Dangerous Buildings Ordinance, June 17, 2007).

Section VII of the Valley Township Dangerous Buildings Ordinance (Ord. No. 228) is hereby amended to read as follows:

Valley Township as the administering and enforcing agency for 1972 PA 230, as amended, hereby designates violations of the State Construction Code; of any nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions or deletions as determined by the State of Michigan, as municipal civil infractions, as authorized by 1972 PA 230, as amended, being MCL 125.1523(3) (As amended in Ordinance 238, June 17, 2007).

Section VIII of the Valley Township Dangerous Buildings Ordinance (Ord. No. 228) is hereby amended to add reference to Ordinance 238: An Amendment of the Valley Township Dangerous Buildings Ordinance, effective June 17, 2007.

Section IX Appeals of the Valley Township Dangerous Buildings Ordinance (Ord. No. 228) is hereby deleted in its entirety. This section is reserved for future use.

SECTION IV
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION V
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VI
EFFECTIVE DATE

This Ordinance shall take effect thirty days following publication after adoption.

Brandee Ellis, Clerk
Valley Township