



Written by [Raven Clabough](#) on July 11, 2011

## Woman Faces Jail Time Over Vegetable Garden

It seems that the government's tentacles know no bounds. For Julie Bass of Oak Park, Michigan, never has a statement been truer. Bass is currently facing serious jail time for growing vegetables in her front yard. *The Blaze* explains:

Ms Bass and her family live in a modest home Oak Park, Michigan and after a sewer line repair forced them to dig up their front yard, they decided that instead of replanting it with grass, they would grow vegetables in nice, raised beds. The city of Oak Park does not like the idea and wrote Julie a citation. She disagreed and is now facing a jury trial and possibly 93 days in jail.



What is at issue is the interpretation of the local code, which reads, "all unpaved portions of the site shall be planted with grass or ground cover or shrubbery or other suitable live plant material."

To Julie, the vegetables she has planted should suffice as "planted material" and "quite suitable," but the city contends that the planted vegetables are an eyesore and should be hidden in the backyard.

What will likely result from the dispute is a court case, or, as observed *The Blaze*, "the expensive machinery of local government will grind towards a jury trial. Yes, 12 citizens could be called on to serve on this case, to decide if raised-bed gardens are 'suitable live plant material.'"

MyFoxDetroit.com [bemoans](#) the process as well:

We are constantly bombarded with news stories about municipal governments facing one financial crisis after another. Many of these were caused by bloated governments filled with waste, fraud and abuse. The people of Oak Park, MI (myopic code enforcer who issued the citation) can now see with greater clarity where their hard-earned tax dollars are being spent. And what about the prosecutor who is gathering evidence and preparing for a pre-trial hearing slated for later this month, are there no better uses for his/her time?

In the hopes of garnering some support in her struggle to retain her individual liberties, Julie began a blog entitled, "Oak Park Hates Veggies," wherein she includes a number of stories, recipes, and updates on her legal battle with the city of Oak Park. Her explanation of the events leading up to her legal battle reads:

after our sewer pipe was broken by the city's tree roots, we had to dig up the entire lawn to get to the pipe and repair it (at our expense, thank you oak park...) after that we were left with a front yard covered in mounds of dirt.

we became interested in putting garden beds with vegetables, so i called the city to find out if it was permitted. after speaking to the person in charge of zoning, we were told that we probably couldn't do a garden because nobody had ever asked about it before. since that is obviously not proof that it can't be done, i asked the zoning person to please check on it for me. in our next call,



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he told me that he had been able to find out that we cannot put a fence around our front yard (????) but he had been unable to find anything about vegetable gardens in the front yard. the only thing he could find said that **the city does allow decorative plantings.**

ok, i thought - we have our answer. we can do decorative plantings - exactly what he told me we could do. **WE WERE NEVER TOLD NOT TO DO IT.** (contrary to his assertion on the news last night - ugh!!)

so, we had someone professionally make the garden beds so they would look nice. we planted grass on the front part of the yard, and put pathways between the garden boxes. we bought a pretty bench swing, and got pretty trellises for the tomatoes and the peas. we put garden paving stones out to make it nicer. we planted everything cleanly, in nice rows, with no huge plants that would hang over or look unkept. we thought we did pretty much everything in our power to comply with the city's allowance of **decorative plantings.**

a week or two later, the code enforcer came out and gave us a warning- no vegetables allowed in front yard- must relocate. so i had a very pleasant conversation with the code enforcer and explained that i was under the impression that what we were doing was fine, and if it wasn't fine- please show me where it says vegetables are prohibited. **it doesn't say that anywhere-** but they told me that if i did not move the garden, i would get a citation. i kind of thought they were bluffing- just trying to pacify someone or something...

The blog also includes a number of interesting facts. For example, Julie notes that the city of Oak Park has forbidden rain barrels and bat houses. Questioning the reasoning behind such seemingly absurd provisions, *The Blaze* inquires, "Is collecting rain in a barrel viewed as cheating the city out of money that they could have made selling you water? And what could possibly be wrong with encouraging mosquito-eating bats to nest on your property."

A poll conducted on MyFoxDetroit.com shows that 96 percent of visitors to the site disagree with the local government's handling of the situation, and believe that Julie Bass is in the right, while a mere 2 percent side with the city of Oak Park, and 1.5 percent remain unsure.

Bass' troubles are similar to those experienced by the McCafferty family of Claymont, Delaware, who were forced to [contend](#) with a highly interpretative city ordinance that allegedly prohibits objects from being within seven feet of the pavement's edge in a residential subdivision. For the McCafferty's, the ordinance impacted their placement of a basketball hoop at the end of their driveway.

At issue for the McCafferty's was whether the ordinance in question even applied to their basketball hoop, and the behavior of the police and workers at the Delaware Department of Transportation who handled the matter.

Also, for local residents, it seemed to be an absurd waste of money, as the \$40 in fees charged to the McCafferty's for allegedly violating the statute did not compare to the cost to the taxpayers for the troopers and DelDOT workers present at the scene, as well as the cost of the machinery to dismantle the basketball hoop.

Both the Bass family's nightmare and the McCafferty's ordeal appear to exemplify both the growing overreach of local governments, as well as indicate the government's utter lack of common sense when it comes to managing finances and weighing cost against benefit.



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