

**LAKE TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN
NOXIOUS WEEDS & GRASS ORDINANCE**

Ordinance No. 53

At a meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on September 11, 2018, at 7:00p.m., Township Board Member Roger Kohn moved to introduce the following Ordinance, which motion was seconded by Township Board Member Harry Trier:

An Ordinance adopted pursuant to Public Act 359 of 1941, as amended, and Public Act 246 of 1945, as amended, to secure the public health, safety and welfare of the residents and property owners of Lake Township, by the control, regulation and eradication of noxious weeds, grasses and uncultivated vegetation on properties located within Lake Township; to set forth duty of land owner to destroy noxious weeds, cut grasses etc; to establish recovery of costs by Lake Township and allow lien on property; and to establish civil infraction and penalty for violation thereof.

LAKE TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This Ordinance shall be known and cited as the Lake Township Noxious Weeds & Grass Ordinance.

SECTION 2: DEFINITION OF NOXIOUS WEEDS. Noxious weeds shall include Canada thistle or other thistle; dodders; mustards; milkweed; wild carrot; perennial sowthistle; hoary alyssum; ragweed; poison ivy; poison sumac; or any other noxious weed as designated by the Public Act 359 of 1941, as amended, and County or Township ordinance.

SECTION 3: GROWTH PROHIBITED. It shall be the duty of all owners of land on which noxious weeds are found growing, including:

1. Any lots with a building within platted subdivisions; and
2. Any vacant lots within platted subdivisions in which buildings have been erected upon sixty percent or more of the lots included in that subdivision; and
3. On parcels of land along all improved streets to a depth of 165 feet or the depth of the ownership, whichever is less,

to eradicate and destroy noxious weeds and grasses and prevent their regrowth or prevent them from becoming a detriment to public health in accordance with this Ordinance and Public Act 359 of 1941, as amended. It shall be unlawful for any landowner, occupant, or any person in possession of any real estate as herein described to permit or maintain on any such premises within the

territorial jurisdiction of Lake Township, any growth of noxious weeds; nor grass or other rank vegetation that have grown to a greater height than ten (10) inches on the average.

SECTION 4: COMMISSIONER OF NOXIOUS WEEDS. The Township Board creates the Commissioner of Noxious Weeds, which office shall be fulfilled by the Township Ordinance Enforcement Officer. The Commissioner of Noxious Weeds shall hold office for a term of two years and until a successor is appointed and qualified. The Commissioner of Noxious Weeds shall have duties and responsibilities and be subject to the provisions of Act No. 359 of the Public Acts of Michigan of 1941, as amended. The Commissioner of Noxious Weeds shall also have the duty of enforcement of this Ordinance.

SECTION 5: NOTICE OF VIOLATION. If a property owner fails to comply with this Ordinance, the Township is hereby authorized and empowered to notify the property owner of the violation and to direct the property owner to remove the noxious weed or noncompliant grass. Such notice shall be in writing, addressed to the property owner as appears on the latest property tax assessment roll, and shall inform the property owner:

1. The nature of the violation.
2. Methods of treating and eradicating the noxious weeds or noncompliant grass.
3. The time in which the premises in which the premises must be brought into compliance, which shall not be less than five days nor more than 15 days from the date of the notice.
4. That the Township may act to remedy the violation, the violation if it is not remedied within the time allowed.
5. That in the event the Township mows, cuts, or otherwise remedies the violation, the cost, plus an administrative fee, shall be assessed as a lien against the property until paid.
6. Refusal to remedy or allow the Township to remedy a violation may result in prosecution.

The Township shall provide such notice in one of the following ways:

1. By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion; or
2. By mailing such notice by regular first-class mail, with proof of mailing to such owner at his or her last known address; or
3. If the owner is unknown, by posting such notice in some conspicuous place on the premises for five (5) days before the action concerning which notice is given.

Failure to receive notice does not constitute a defense to an action to enforce the payment of a fine provided for or debt created by this Ordinance.

SECTION 6: RIGHT OF ENTRY AND REMOVAL BY THE TOWNSHIP. If, after notification, the owner(s) of any premises in violation of this Ordinance fails, neglects, refuses to completely bring the premises into compliance, or otherwise permits the violation to continue, the Township, or its authorized contractor or other designee(s) is (are) authorized and empowered to enter the premises to mow and cut as necessary to bring the premises into compliance. The Township shall keep accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this Chapter and shall make a sworn statement of said account.

SECTION 7: COLLECTION FROM PROPERTY OWNER(S). All expenses incurred in connection with the cutting or removal of noxious weeds or grass, plus an administrative fee, shall be paid by the owner of the property and shall be a lien against the premises and collected in the manner prescribed by Act No. 359 of the Public Acts of 1941 (MCL 247.61 through 247.72, as amended). If the Township should elect to cut and remove noxious weeds and grass, such action will not preclude enforcement of this Ordinance by the issuance of a Township civil infraction as provided in this Ordinance.

SECTION 8: EXEMPTIONS. The following parcels or areas of any lot or parcel shall be excluded from regulation under this Ordinance:

1. Land used for agricultural purposes, including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley or rye.
2. Portions of lots used for flower gardens, shrubbery or vegetable gardens.
3. Naturally wooded areas or regulated wetlands.
4. Areas designated as preserved for open space.
5. Parcels larger than 2.5 acres.

SECTION 9: PENALTY. In the event that noxious weeds or grasses are allowed to grow in a manner that causes the Township to enter onto the property to remedy the violation, the Township may, in its discretion, request that a civil infraction be filed against the owner(s). The maximum penalty for the civil infraction shall be \$500.00 plus all costs.

SECTION 10: SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or

unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 11: REPEAL: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 12: ENACTMENT AND EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after publication as required by law.

YEAS: KOHN, CLARE, TRIER, EMMONS (4)

NAYS: NONE (0)

ABSENT/ABSTAIN: TONY FARHAT (1)

ORDINANCE DECLARED ADOPTED

ORIGINAL SIGNATURE ON FILE.

Dave Emmons, Lake Township Supervisor

CERTIFICATION

I, Tonya Clare, Clerk of Lake Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 53 adopted by Lake Township on the 11th day of September, 2018. A summary of the Ordinance was duly published in the September 20, 2018 newspaper, a newspaper that circulates within Lake Township, on September 20, 2018. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted. I filed an attested copy of the Ordinance with the Roscommon County Clerk on September 27, 2018.

ORIGINAL SIGNATURE ON FILE.

Tonya Clare, Lake Township Clerk

COPY