

**ORDINANCE NO. 29
VERNON TOWNSHIP**

NOXIOUS WEEDS & GRASS ORDINANCE

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 Vernon Township, by the control, regulation and eradication of noxious weeds, grasses, and uncultivated vegetation on properties located within Vernon Township; to set forth duty of land owner to destroy noxious weeds, cut grasses, etc; to establish recovery of costs by Vernon Township and allow lien on property; to establish civil infraction and penalty for violation thereof.

Vernon Township, Shiawassee County, Michigan ordains:

Section 1. TITLE.

This Ordinance shall be known and cited as the Vernon 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, either:

1. Within platted subdivisions in which buildings have been erected upon sixty percent or more of the lots included in that subdivision; or
2. 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.

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 Vernon Township, any growth of noxious weeds; nor grass or other rank vegetation that have

grown to a greater height than twelve (12) inches on the average, except where the subject parcel is greater than 2.5 acres.

Section 4. COMMISSIONER OF NOXIOUS WEEDS

The Township Board shall appoint a Commissioner of Noxious Weeds who shall take an oath required of the township officers. The Commissioner of Noxious Weeds shall hold office for a term of two years and until a successor is appointed and qualified. The Township Board may fix compensation for the Commissioner of Noxious Weeds. 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:

- a. The nature of the violation.
- b. Methods of treating and eradicating the noxious weeds or noncompliant grass.
- c. 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.
- d. That the Township may act to remedy the violation, the violation if it is not remedied within the time allowed.
- e. 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.
- f. 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:

- a. 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;
- b. By mailing such notice by regular first class mail, with proof of mailing to such owner at his or her last known address; or
- c. 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 in 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 Chapter by the issuance of a Township civil infraction as provided in this Ordinance.

Section 8. EXEMPTIONS

Flower gardens, plots or shrubbery, vegetable gardens and small grain plots are exempt from this Ordinance.

Grasses exceeding twelve (12) inches in height on average in parcels larger than 2.5 acres are exempt from this Ordinance.

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 twice consecutively periods, 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

If any part of this Ordinance is declared or adjudged invalid by present or future legislation or decree of any Court of competent jurisdiction, the balance of the Ordinance shall not be affected thereby.

Section 11. CONFLICTING ORDINANCES

Any conflicting Ordinances or provisions thereof that are hereby codified by the Township of Vernon are hereby repealed.

Section 12. EFFECTIVE DATE

This Ordinance shall become effective immediately after publication of the Ordinance or immediately after publication of a summary of its provisions in a local newspaper of general circulation. Effective date is September 3, 2011.

CERTIFICATION

We the undersigned, as Supervisor and Clerk of the Township of Vernon, Michigan, do hereby certify that Ordinance No.29, was introduced at a regular meeting of the Township Board held on August 8, 2011, and was thereafter adopted at a regular meeting on August 8, 2011, by a vote of 4for; 0 against; 0 abstaining; 1 being absent.



Township Supervisor



Township Clerk