

CLEMENT TOWNSHIP WEED CONTROL ORDINANCE
ORDINANCE NO. 2016-03

An ordinance to secure the public health, safety and welfare of the residents and property owners of Clement Township by control and regulation of certain weeds, turf grass and brush upon any lands along improved streets within the township, to permit the township to have a lien for expenses incurred in controlling and eradicating such weeds; to provide penalties for violation of the ordinance.

Now, therefore, the Township ordains:

Section 1. Title. This ordinance shall be known as “The Clement Township Weed Control Ordinance” (referred to herein as “This Ordinance”)

Section 2. Purpose and Scope. In order to preserve the public health, safety and welfare of the residents of Clement Township, the Clement Township Board hereby determines that the existence of weeds, turf grass, and lawn areas allowed to grow to more than ten (10) inches in height constitutes a nuisance, because such a condition is unsightly, unkempt, and may attract litter and vermin. It is the further intent of this ordinance to prevent the spread of noxious weeds and invasive weedy species in the Township, which would be a detriment to public health.

Nothing in this Ordinance shall apply to agricultural crops; actively used and maintained pastureland associated with a farm or livestock operation; trees, shrubs, flowers, and ornamental plants under cultivation or within landscaped areas, wildflowers and natural prairies, and vegetation within woodlands, wetlands, rain gardens, storm water management facilities, filter strips, or other buffer areas required by Township ordinances.

This Ordinance shall be in force during the annual growing season, defined as between May 1 and October 1 of each calendar year.

Section 3. Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- A. Buffer/Buffer Strip means a management area adjacent to a sensitive environmental site (e.g., wetland, waterbodies, etc.) that is designed to minimize or mitigate the negative impacts from more intensive land uses or development. The term includes vegetated areas that are designed to receive runoff from adjacent impervious surfaces, slow runoff speed, trap sediment and other pollutants, and provide for some infiltration of storm water.
- B. Forb means any herbaceous plant that is not a grass.
- C. Growing Season means from May 1 and October 1 of each calendar year.
- D. Meadow means plant communities comprised mostly of grasses and forbs.

- E. Natural Landscaping means the use of landscape design and native or cultivated plants to restore or reconstruct the form and function of a natural or naturalized area. The term includes buffers and buffer strips, rain gardens, and storm water management facilities, but does not include any use or tolerance of invasive species or uncontrolled growth of weeds or turf grasses on a parcel.
- F. Rain Garden means a planted depression that reduces storm water runoff by improving infiltration into the ground, consisting of subsurface gravel and other soils conducive to drainage, absorbent soil and organic planting mixes, appropriate native and domestic plants, and organic mulches.
- G. Pasture means an enclosed tract of land primarily used for grazing of domesticated livestock, with native or cultivated vegetation consisting mainly of grasses with an interspersed of legumes and other forbs, and managed through practices of seeding, irrigation, fertilization, mowing and noxious weed control
- H. Weed means any plant that is determined by the State of Michigan to be injurious to public health, crops, livestock, land or other property; including or in addition to the following species: 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*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berberoa incana*), ragweed (*Ambrosia elatior* 1); creeping weeds such as bindweed (*Convolvulus arvensis*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*); and turf grass or lawn areas allowed to grow in excess of ten (10) inches in height.

Section 4. Height Limitations.

It shall be the duty of the owner, agent or occupant of any property used for a residence, to mow all turf grass, weeds, and brush on the property as often as may be necessary to comply with the provisions of this Ordinance according to the following standards:

1. All weeds, turf grass, and lawn areas on any lot of two (2) acres or less in lot area developed with a residence, and any lot located within a subdivision plat or approved condominium development, shall be maintained at a height of less than ten (10) inches.
2. Any undeveloped lot or parcel of any size that is part of an approved subdivision plat or residential condominium development shall be maintained with a minimum mowed yard area of 60 feet from the centerline of the road right-of-way and ten (10) feet from all other property boundaries.
3. On all lots and parcels of land along improved roads in common usage within the township, weeds shall be destroyed before they reach a seed bearing state within the area of the lot or parcel to a depth of 120 feet from the centerline of the road right-of-way or the depth of the lot, whichever is less.

- (a) Upon written notification to the Township by the property owner that such a lot or parcel exceeding five (5) acres in lot area and containing weeds regulated by this ordinance is planned to be improved with natural landscaping, development of a prairie or meadow condition, or for use as pasture or cultivation of crops, the Township shall allow one (1) annual growing season to elapse before further enforcement of this ordinance on the lot or parcel.
- (b) Failure of the property owner to initiate such improvements by May 31st of the growing season, and to diligently continue and complete such improvements by the end of the same growing season shall constitute grounds for the Township to initiate further enforcement action under this ordinance.

Section 5. Enforcement.

- A. Notice of Violation. If a property owner violates or refuses to comply with this Ordinance, the Township Supervisor or Ordinance Enforcement Officer shall notify the property owner of the violation. The notice shall include the requirements of this ordinance and provide a minimum of ten (10) calendar days to comply with its provisions. The notice shall be sent by first class mail to the owner of record and said property and shall also be posted on or near the front door of each dwelling on the property to which the violation relates, or on or near the front door of the principal building on the property to which the violation relates if there is no dwelling.
- B. Noncompliance. If, during the growing season, the property owner fails to correct a violation after notice has been given as provided above, the Township may enter the property throughout the growing season as necessary to correct further violations without further notice to the owner, and may assess the costs thereof as provided in this section. Any additional work required to mow the property, such as litter removal, will also be charged as provided, along with an administration fee as permitted by law.
- C. Appeal of Costs Imposed. Within 15 days of the date the statement of costs is mailed to the owner of record, the owner may appeal the reasonableness of the charges by filing a written statement with the Township Board stating why the charges are unreasonable. If the Township Board finds the charges unreasonable, it shall assess the costs as it deems reasonable. Such determinations shall be made on a case-by-case basis, with no precedent set. The administrative fee shall not be appealable.
- D. Property Lien. All charges that remain unpaid as of the first day of October of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.
- E. Penalty for Violation. Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this ordinance or who shall fail to do what is required by the terms of the ordinance, may be responsible for a municipal civil infraction and may pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), plus costs and attorney fees, and may be subject to other sanctions as the court may impose under law.

Section 6. Repeal of Conflicting Provisions. All other Township ordinances, Township Board resolutions, and parts thereof that conflict with provisions of this ordinance are hereby repealed and shall be of no further force or effect.

Section 7. Severability. All sections, terms, provisions or clauses of this ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and affect.

Section 8. Effective Date. This ordinance shall be immediately effective upon publication of a Notice of Adoption in the newspaper of general circulation in the Township of Clement, following adoption by the Township Board of Trustees.

Yeas: (4) Jacklyn Anderson, Carolyn Ochab, Eric House, Karon Hoffman

Nays: (0)

Absent: (1) Sharon Prosser

ORDINANCE DECLARED ADOPTED this 10th day of August, 2016.

Eric House, Clerk
Clement Township
Gladwin County, Michigan