

**CLEMENT TOWNSHIP
GLADWIN COUNTY, MICHIGAN
ORDINANCE AMENDING ORDINANCE NO. 2016-03
CLEMENT TOWNSHIP WEED CONTROL ORDINANCE
Ordinance No. 2020-04**

At a meeting of the Township Board of Clement Township, Gladwin County, Michigan, held at the Clement Township Hall on June 10, 2020, at 7:00 p.m., Albert Lee moved to adopt the following Ordinance, which motion was seconded by Kim Davis:

An Ordinance to amend Clement Township Ordinance No. 2016-03, known as the Clement Township Weed Control Ordinance, to update the enforcement of Ordinance violations through the issuance of Municipal Civil Infractions and by other available legal and equitable remedies, and to repeal all conflicting Ordinances or parts of Ordinances in order to promote health, safety, and welfare of Township residents and visitors.

THE TOWNSHIP OF CLEMENT, GLADWIN COUNTY, MICHIGAN, ORDAINS:

Section 1: Amendment to Ordinance No. 2016-03, Section 5. Ordinance No. 2016-03, Section 5, shall be amended to read as follows:

Section 5. Enforcement

- A. Notice of Violation. If a property owner violates or refuses to comply with this Ordinance, the Township Supervisor, Ordinance Enforcement Officer, or any other individual authorized by the Township Board, 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 a property owner fails to correct a violation after notice has been given as provided above, the Township may enter the property 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, firm, association, partnership, corporation, or entity that violates any of the provisions of this Ordinance or fails to comply with a duly authorized Order issued

pursuant to this ordinance shall be deemed responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. Any individual authorized by the Township Board or by Ordinance may issue a municipal civil infraction to enforce this Ordinance. Moreover, the Township may also enforce this Ordinance by any other remedies available under Michigan law including, but not limited to, injunctive relief and misdemeanor prosecution punishable by a fine not to exceed \$500.00 and/or imprisonment not to exceed 90 days. Each day that a violation continues shall constitute a separate offense.

Section 2: Severability: The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 3: Repeal: All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Section 4: Effective Date: This Ordinance shall become effective within thirty (30) days following its publication.

YEAS: Karon Hoffman, Eric House, Carolyn Ochab, Kim Davis, Albert Lee

NAYS: (0)

ABSENT/ABSTAIN (0)

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I, Eric House, Clerk of Clement Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2020-04 adopted by Clement Township on June 10, 2020. A summary of the Ordinance was duly published in the Gladwin County Record newspaper, a newspaper that circulates within Clement Township, on June 17, 2020. 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 Gladwin County Clerk on June 24, 2020.

Eric House, Clement Township Clerk