

**TOWNSHIP OF SPRING ARBOR
COUNTY OF JACKON
STATE OF MICHIGAN**

CUTTING OF GRASS AND NOXIOUS WEEDS

**AN ORDINANCE FOR THE PURPOSE OF FURTHERING THE CONTROL
AND ERADICATION OF GRASS AND NOXIOUS WEEDS IN
THE TOWNSHIP OF SPRING ARBOR;
TO IMPOSE OBLIGATIONS UPON THE OWNER, AGENT OR OCCUPANT
OF SUCH LOT WITH RESPECT TO SAID CONTROL AND ERADICATION;
AND TO IMPLEMENT THE ENFORCEMENT OF SAID OBLIGATIONS
BY LIEN ON THE LANDS INVOLVED.**

ORDINANCE NO. 60-B

At a regular meeting of the Spring Arbor Township Board held in the Township Hall on the 8th day of August, 2011, at 7:00 p.m., Eastern Daylight Time, the following Ordinance was heard and passed:

THE TOWNSHIP OF SPRING ARBOR ORDAINS AS FOLLOWS:

SECTION 1: DEFINITIONS OF NOXIOUS WEEDS

For the purpose of the Ordinance, “noxious weeds” shall include the Canada Thistle (*Circium avernse*); dodders (any species of *Cuscuta*); mustards (charlock, black mustard, and Indian mustard, species of *Brassica* or *Sinapis*); wild carrot (*Caucus carota*); bindweed (*Convolvius arvensis*); perennial sowthistle (*Sonchus arvensis*); hoary alyssum (*Berteros incana*); ragweed (*Ambrosia elatioril*); poison ivy (*Rhus toxdeddendrun*); poison sumac (*Toxiconderdron vermix*); buckhorn plantain (*Plantago lanceolata*); oxeyes; daisies; ragweed; goldenrod; brush, rank vegetation; or other plant or vegetation which is recognized as deleterious to health, safety, or public welfare and recognized as common nuisance.

SECTION 2: APPLICATION OF ORDINANCE

This Ordinance shall apply to all lands in the Township of Spring Arbor which are in industrial, commercial, or residential areas, and/or which are plotted as subdivisions.

SECTION 3: EXEMPTIONS

Exemptions from the provisions of this Ordinance are flower gardens, plots of shrubbery, vegetable gardens, small grain plots and other agricultural lands and areas that are best maintained in the natural setting. An exemption under the terms of this Section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exemption categories.

SECTION 4: PRESENCE OF GRASS OR WEEDS A PUBLIC NUISANCE

It shall be unlawful for the agent, owner, or occupant of any land in the Township of Spring Arbor to cause, or permit to grow on said land any grass or noxious weeds higher than six (6) inches in height. The presence of such grass or weeds (as defined in Section 1 hereof) upon such land is hereby deemed to be detrimental to the public health, safety, and welfare of said Township; and shall constitute a public nuisance.

SECTION 5: DUTY OF OWNER, AGENT OR OCCUPANT

It shall be the duty of the occupant of every premises, and the owner of unoccupied premises within the Township, to cut and remove, or destroy by lawful means, all such grass or weeds, or other rank, noxious or harmful vegetation, as may be necessary to comply with the provisions of this Ordinance. The cutting, removing, or destroying of such grass or weeds must be done to a depth of 10 rods (165 feet), or the depth of the lot, whichever is less. When said cutting, removing or destroying of such grass or weeds, is done at least once in every three (3) weeks, between May 1st and September 15th of each year, the property shall be deemed to be in compliance with the requirements of this Ordinance.

SECTION 6: NOTICE BY PUBLICATION; FAILURE OF OWNER, AGENT, OR OCCUPANT TO COMPLY; ACTION BY TOWNSHIP; COLLECTION OF EXPENSES; PENAL PROVISIONS

6.1 The Township may publish a notice in a newspaper of general circulation in the county during the month of March that grass or weeds not cut by May 1st of that year may be cut by the Township, and the cost charged to the owner of the property as provided in this section. This notice shall describe the methods of treating and eradicating the noxious weeds, and a summary of the provisions of this section.

6.2 In the event that the owner, agent, or occupant of any land in the Township, shall fail or refuse to comply with the provisions of Section 4 hereof, such person will be notified of the fact they are in violation of Section 4, by registered mail, return receipt requested. Ten (10) days following the mailing of said notice the Township Supervisor, or any officer, inspector, or other agent authorized by the Township Board of Spring Arbor, may enter upon such land and cut and destroy any and all noxious weeds, or harmful vegetation, as defined in Section 1 hereof, located on such land.

6.3 The owner, agent, or occupant of such land shall be liable for all costs incurred by the Township in connection with the cutting or destroying, including an additional fee of fifteen (15) percent for inspection, with a minimum cost or change of Forty (\$40.00) dollars.

6.4 From the time of the commencement of the cutting and destruction of such noxious weeds and vegetation, as defined in Section 1, the Township shall have a lien upon the land; and in the event the charges involved are not paid by the owner, agent, or occupant of said land within thirty (30) days from the date of billing to said person by registered or certified mail, return receipt requested, payment shall be deemed delinquent and said lien enforceable as a tax lien, as is provided by law, against the land to be charged and collected as in the case of general property tax against the land in question.

6.5 In addition, if the owner, agent or occupant refuses to comply with the provisions of this Ordinance after the receipt of the ten (10) day notice, as provided for above, then, and in that event, such owner, agent or occupant shall be liable to a fine not exceeding Five Hundred (\$500.00) Dollars and imprisonment not exceeding thirty days; a violation of this Ordinance shall be deemed a misdemeanor.

SECTION 7: APPOINTMENT OF AGENT

The Spring Arbor Township Supervisor, or the Township Board, may appoint an agent to carry out the provisions of this Ordinance.

SECTION 8: SEPARABILITY CLAUSE

All Sections of the Ordinance are separable, and should any Section be declared invalid, such decision shall not affect the validity of the Ordinance as a whole.

SECTION 9: PUBLICATION

A true copy or a summary of this Ordinance shall be published once, in full, in the County Press, a newspaper of general circulation within the boundaries of the Township and qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Clerk.

SECTION 10: EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days after its publication as provided by law.