

**Charter Township of Fort Gratiot Code of Ordinances
Chapter 12. Environment**

ARTICLE VIII. WEEDS AND NOXIOUS WEEDS

12-271. DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

NOXIOUS WEEDS. Including, but not limited to, Canada thistles, dodders, mustards, wild carrot, bindweed, perennial sowthistles, hoary alyssum, ragweed, poison ivy, poison sumac, and all other poisonous plants, all types of grass, or any other varieties of plant which are recognized as inducing hay fever or other diseases, or being in any other way dangerous to the health, safety or welfare of the adjacent properties and general public.

STREET. Any public or private drive, street, alley, highway, avenue, or public place or square, bridge, viaduct, tunnel, underpass, overpass or causeway, dedicated or devoted to public use.

WEEDS. Grasses and similar plants not of an ornamental nature exceeding 10 inches in height, when uncut or not maintained allow the accumulation to create a condition which is a public nuisance and which is dangerous to the health, safety, or welfare of the surrounding area and to the safety of property.

12-272. PROHIBITED GROWTH; EXCEPTIONS.

(a) On any lot less than two acres in size, no property owner shall permit or maintain any growth of noxious weeds or any growth of weeds or grass to a height greater than 10 inches on the average; nor any accumulation of dead weeds, grass or brush.

(b) On vacant lots zoned residential or commercial in excess of two acres in size, no property owner shall permit or maintain within ten feet of the edge of a street and within ten feet of any other improved property lines any growth of noxious weeds or any growth of weeds or grass to a height greater than ten inches on the average; nor any accumulation of dead weeds, grass, or brush. Where the parcel is wooded, the area between the edge of the street and the nearest tree line shall be kept free of any growth of noxious weeds or any growth of weeds or grass to a height greater than ten inches on the average, and the accumulation of dead weeds, grass, or brush.

(c) On improved lots in excess of two acres in size, no person owning any parcel of land shall permit or maintain between the edge of a street and the front of a principal building and within ten feet of the building and within ten feet of any other property lines any growth of noxious weeds or any growth of weeds or grass to a height greater than ten inches on the average; nor any accumulation of dead weeds, grass or brush.

(d) Exceptions. This section shall not apply to land that has been cultivated and cared for as a flower garden, plot of shrubbery, vegetable garden, or similar landscaped area, or fields devoted to growing any small grain crop, such as wheat, oats, barley, or rye. Nothing in this section shall be construed to require the clearing of a wooded parcel not previously cleared.

12-273. DUTY OF OWNER.

It shall be unlawful for the owner of any parcel of land to allow or maintain on any portion of such lot or land the growth of any noxious weeds or weeds, or the accumulation of dead weeds, grass, or brush which may create a condition detrimental to public health. The owner shall cut and remove or destroy all noxious weeds and weeds as often as necessary to prevent such weeds from going to seed or exceeding ten inches in growth, and shall prevent the accumulation of dead weeds, grass, or brush.

12-274. NOTICE; ALTERNATIVE NOTICE BY PUBLICATION.

(a) The township shall notify the owner of any parcel of land found to be in violation that they shall have ten calendar days to remedy all unlawful conditions as defined in section 12-272. Failure to remedy the violation within ten calendar days shall be a municipal civil infraction and, in addition, shall be cause for the township to enter the property and remove the prohibited growth without further notice, and the owner of the property charged pursuant to section 12-276.

(1) The township shall notify the owner of the parcel of land found to be in violation personally by regular mail, and;

(2) The township shall post notice in a conspicuous location on the property in question. Notice shall include the date and time said notice is posted upon the property and the date by which the violation must be remedied.

(b) In lieu of the notice by section 12-274 (a), the township may publish a notice in a newspaper of general circulation in the county during the month of March, or in the spring edition of the township newsletter, that weeds and noxious weeds not cut by June 1 and maintained through November 30 of that year will be cut by the township, and the owner of the property charged pursuant to section 12-276.

(c) When there has been no recorded transfer of ownership on a parcel of land, the initial notice may serve as the only notice for that year for any subsequent offense. The township may cut weeds as many times as is necessary and the owner of the property charged pursuant to section 12-276.

12-275. INSPECTIONS; GRANTING OF ADDITIONAL TIME; APPEAL.

(a) Inspections. Upon receipt of a complaint regarding a potential violation or upon a routine inspection of the township by the ordinance enforcement officer, the ordinance enforcement officer shall investigate to determine if a violation exists. Where a violation does exist, the ordinance enforcement officer shall forward to the township a report stating the date and time the violation was observed, and a description of the violation. The township shall immediately begin the notification process contained herein. Failure of the township to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for or debt created under the provisions of this article.

(b) Granting of Additional Time. Additional time may be granted by the ordinance enforcement officer where visible efforts to remove or eliminate weeds or noxious weeds are in progress.

(c) Appeal. Within such ten day period as provided in section 12-274, the person upon whom the removal notice has been served may request a hearing before the township supervisor or his/her designee. Such request shall be made within the ten day period and shall be made in writing, and mailed by first class mail to the township office or delivered in person to the township office during regular business hours, to the attention of the township supervisor. The hearing shall be conducted as soon as reasonably possible after receipt of the request for a hearing. At said hearing, the township supervisor or his/her designee shall hear statements, evidence, or testimony offered at the hearing as to the existence of and removal or elimination of the prohibited growth. The township supervisor or his/her designee shall make findings of fact from the statements and evidence offered as to whether or not the causes of prohibited growth exist and whether they have been removed or eliminated. If the township supervisor or his/her designee determines the prohibited growth does not exist or has been removed, he/she shall direct that no further action be taken regarding removal under this section. If the township supervisor or his/her designee determines that the unlawful growth of prohibited vegetation exists, it may be removed pursuant to section 12-276.

12-276. DESTRUCTION BY TOWNSHIP; COSTS TO BE CHARGED AGAINST OWNER

(a) Where it has been established that prohibited growth is present and the owner has failed to comply with this section, the township, through its employees or contractor, may enter upon the land and cause all such weeds and noxious weeds to be cut down with as little damage to other vegetation as possible and to charge the cost thereof, together with 10% of such cost to cover contingent expenses, against the owner or occupant of said premises and against the property itself. The minimum charge for such work on any lot or parcel of land shall be not less than \$50.

(b) The township treasurer shall keep a record of the cost of cutting the weeds or noxious weeds upon each separate lot and parcel of land in the township, and shall notify the owner by regular mail that the township has cut or caused to be cut and destroyed the weeds or noxious weeds upon said premises in accordance with the provisions of this chapter, together with a statement of the amount due the township. If the cost and charges due the township for cutting and destroying weeds or noxious weeds upon any lot or parcel of land in accordance with the provisions of this chapter shall not have been collected on or before the 30th day of October of the year in which the expense was incurred by the township, the same shall be reported by the township treasurer to be collected by adding the amount to the tax roll in accordance with the provisions of the Charter Township of Fort Gratiot.

12-277. VIOLATIONS; PENALTY.

In case any such owner shall refuse to destroy all such weeds and noxious weeds or shall refuse to correct any condition which has been deemed in violation, it shall be the duty of the township to enter upon such land and destroy such weeds or noxious weeds. Express power to so enter upon such land and destroy such weeds or noxious weeds is hereby conferred upon the township. Any expense incurred in such destruction shall be paid by the owner of the parcel of land.

All violations of this article shall be municipal civil infractions and upon conviction, thereof, shall be punishable as provided by this code.