

## **TOWNSHIP OF LAKE**

### **NOXIOUS WEED ORDINANCE**

#### **Ordinance No. 2013-03**

An Ordinance adopted pursuant to 1941 PA 359, as amended, and 1945 PA 246, as amended, to secure the public health, safety and welfare of the residents and property owners of the Township of Lake, Huron County, Michigan, by the control, regulation and eradication of certain weeds and growth within the Township; and to provide penalties for the violation thereof.

#### **THE TOWNSHIP OF LAKE ORDAINS:**

**Section 1: Definitions.** For the purposes of this Ordinance, “noxious weeds” or “weeds” shall be defined as weeds, grass, or brush of over ten (10) inches in height which is out of character with the development of, and landscaping in, the neighborhood and contrary to the public health, safety or welfare.

#### **Section 2: Regulations.**

(A). It shall be the duty of all owners of land upon which any weeds are growing, as defined in this Ordinance, to prevent the same from becoming a detriment to public health and to destroy the same where necessary to fulfill this duty.

(B). It shall be the duty of all owners of lands upon which weeds exists, in excess of ten (10) inches in height, which is out character with the development of any landscaping in the neighborhood in which it is located and was at one time a maintained parcel or lot and is now visibly neglected and is contrary to the public health, safety or welfare by contributing the spreading thereof, to keep said weeds cut to a height of not to exceed ten (10) inches.

(C). Parcels or lots shall be exempt from the above-mentioned 10-inch height limitation provided said parcel or lots are naturally wooded and have plant growth consistent with the general character of the plant growth and landscaping in the surrounding neighborhood in which such parcels or lots are located or parcels or lots that are purposely left in their natural state.

(D). Nothing in this Ordinance shall apply to weeds in fields devoted to growing any small grain or food crop such as wheat, corn, oats, barley or rye.

(E). The Zoning Administrator who has been hired by the Township Board shall be appointed as the “Commissioner of Noxious Weeds” to enforce this Ordinance. The Zoning Administrator shall inspect properties within the

Township upon complaint or upon personal awareness and shall notify the owner of any lands which are not in compliance with this Ordinance of the violation thereof by Certified mail with return receipt requested and the duty to cut such weeds. If such owner shall neglect or refuse to comply with said notice within ten (10) days from the receipt thereof, said Zoning Administrator may enter upon such land of owner and or cut the weeds and growth thereon or cause the same to be cut by such other person or agent appointed by the Zoning Administrator.

All expenses incurred in cutting shall be paid by the owner or owners of such land. The Township shall have a lien upon such land for such expense, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expense shall be subject to all interest and penalties provided for taxes due and collectable within the Township under the general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner or owners in an appropriate court of law for the collection of said debt.

(F). In the event the owner or owners cannot be determined or notified as herein provided, after due diligence to do so, substitute notice can be given to the occupants of the premises or, in the event of vacant, unoccupied land, by publication in the newspaper of general circulation within the township, once, at least ten (10) days prior to cutting of the weeds by the Township Ordinance Enforcement Officer or agent, and such latter notice shall be deemed compliance with the notice requirements of this Ordinance.

### **Section 3: Violation and Penalties.**

(A). Any person or entity that violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense. Any violation of this Ordinance shall constitute a nuisance per se.

(B). A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

1st Offense	\$50.00
2nd Offense	\$75.00
3rd Offense	\$100.00

The above fine, when collected shall be paid to Lake Township and shall become a part of the “Noxious Weed Control Fund” of the Township of Lake. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lake Township has been put in connection with the municipal civil infraction. The foregoing sanctions shall be in addition to the right of the Township to proceed to enforce its lien against the land in question or to proceed in any other appropriate manner to recover its costs incurred in cutting of the weeds upon the property of any owner.

(C). Remedial Action. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

**Section 4: Severability.** Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 5: Effective Date.**

The undersigned Supervisor and Clerk of the Township of Lake hereby certify that this Ordinance was adopted by the Township Board on the 17<sup>th</sup> day of June, 2013 and was published in the Huron County View on the 27<sup>th</sup> day of June, 2013. This Ordinance shall become effective thirty (30) days after said date of publication.

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Valerie J. McCallum, Township Supervisor

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Claren Russell, Township Clerk

Published: June 27, 2013

Effective: July 27, 2013