

**FRENCHTOWN CHARTER TOWNSHIP
NOXIOUS WEED AND GRASS CONTROL ORDINANCE
Ord. No. 206; Date of Adoption: February 24, 2004**

An Ordinance to repeal Township Ordinance 131 and to adopt this Ordinance pursuant to the authority granted by Public Act 359 of 1941 as amended, and which provides for the controlling and eradicating of certain noxious weeds and grass within the Charter Township of Frenchtown, to prevent such weeds and grass from going to seed or blossom, to prevent such weeds and grass from becoming a fire hazard, and to control such weeds and grass to protect the health, safety, and welfare of the citizens of Frenchtown Charter Township.

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Title.

This Ordinance shall be known and referred to as the Frenchtown Charter Township Noxious Weed and Grass Control Ordinance.

Section 2. Definitions.

1. "Building Official" shall mean the Frenchtown Charter Township Building Official and his designee.

2. "Exempt Vegetation" shall mean agricultural crops, cultivated trees, cultivated shrubs, flowers or other decorative ornamental plants under cultivation, wildflowers, vegetation in woodlands or wetlands, cultivated meadows and meadows in agricultural zoning districts.

3. "Weeds and grass" shall include but not be limited to Canada thistle, dodders, milkweed, wild carrot, mustards, bindweed, perennial sow-thistle, hoary alyssum, ox-eye daisies, ragweed, goldenrod, burdock, poison ivy, poison sumac, any type of growth, brush, or plants that exist by reason of not being cut over a period of time and which are regarded as a common nuisance, including that which may have grown into trees or other types of plant life over the years, and any other types of weeds or grass as the terms are commonly used.

Section 3. Duty to Remove.

It shall be the duty of every person who owns and/or occupies lands within Frenchtown Charter Township to cut to a height not to exceed six (6) inches, destroy, and remove from said lands all such weeds and/or grass growing thereon.

Section 4. Newspaper Notice.

The Frenchtown Charter Township Clerk shall, publish a notice at least once per year in a newspaper having general circulation in Frenchtown Charter Township during the month of March giving notice that weeds and grass not cut by May 1 of that year may be cut by the Township and the property owner charged with the cost. Said notice shall be substantially in the following form:

To Property Owners and Occupants of lands situated in Frenchtown Charter Township,
Monroe County, Michigan:

Notice is hereby given that all weeds and grass growing and brush on any lands, except as noted below, within the Charter Township of Frenchtown must be cut, to a height not to exceed six (6) inches, and destroyed and removed to prevent such weeds and/or grass from going to seed or to blossom, from becoming a fire hazard, and/or from creating a condition detrimental to the health, safety, and welfare of the citizens of Frenchtown Charter Township.

The provisions of the Ordinance shall apply to all parcels of land in the Township except lands zoned agricultural and lawfully used for farming in a manner appropriate to such use, parcels of land containing exempt vegetation, or railroads situated within Frenchtown Charter Township.

Failure to comply with this notice on or before May 1 shall make the property owner liable for the costs of cutting, destroying and removing said weeds, grass, and/or brush by Frenchtown Charter Township, said cost to be levied and collected against said lands in the same manner as other taxes are levied and collected, and being a lien against said lands. The Township may cut the weeds and grass as many times as is necessary to achieve compliance with this Ordinance and charge the cost to the property owner.

Section 5. Notice.

Upon complaint of a violation of the provisions of this Ordinance, it shall be the duty of the Township Building Official to investigate such complaint and the premises complained of, and after such investigation, if he shall determine that the condition of the premises are in violation of this Ordinance, he shall issue a notice directed to the owner of the land upon which said violation is committed, requiring compliance with the terms and conditions of this Ordinance within ten (10) days after delivery of such Notice by mailing the notice by first class mail to such owner at his last known address as indicated by the latest Township tax rolls.

Section 6. Failure to Comply.

If the owner of any land fails to comply with the Order given as provided in this Ordinance within the ten (10) day time period, the Building Official shall cause such weeds and/or grass to be cut, destroyed, and removed together with any grading necessary to allow the removal of the same. The Building Official shall keep an accurate account of the expenses incurred in doing so with respect to each parcel entered upon therefore, and he shall make a sworn statement of said account and deliver the same to the Township Supervisor. The actual cost of such cutting, removal, grading, and/or destruction, plus twenty percent (20%) for supervision, administration, and overhead shall become a debt to the Township from the owner of any such land, and the amount assessed, together with all charges thereon, and shall become a lien on the land assessed of the same character and effect as the lien created by general law for taxes, until paid. The Township may cut the weeds and grass as many times as is necessary to achieve compliance with this Ordinance and charge the cost to the property owner.

Section 7. Exemption.

The provisions of the Ordinance shall apply to all land in the Township except lands zoned agricultural and lawfully used for farming in a manner appropriate to such use, railroads

and portions of land containing exempt vegetation, situated within Frenchtown Charter Township.

Section 8. Penalty.

Violation of any of the provisions of this Ordinance, whether such person is the owner and/or occupant of said land or property, shall constitute a municipal civil infraction and subject the violator to a civil fine of One Hundred (\$100.00) Dollars. Each day that a violation is permitted to exist shall constitute a separate offense. In the event that the Building Official causes any such weeds and/or grass to be cut, destroyed and removed as provided for in this Ordinance, such action shall be in addition to any other remedies provided for in this Ordinance, including the citation of the owner and/or occupant of said land for violation of any of the provisions of this Ordinance.

Section 9. Effective Date.

This Ordinance shall become effective thirty days after final passage and publication in a newspaper having general circulation in Frenchtown Charter Township, Monroe County, Michigan.

Section 10. Severability.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by any Court to be invalid, the same shall not affect the validity of this Ordinance in the whole or any part thereof, other than the part so invalidated.

Section 11. Repeal.

Frenchtown Charter Township Ordinance No. 131, entitled Weed and Grass Control Ordinance, is hereby repealed.