

MIDDLEBURY TOWNSHIP WEED & GRASS ORDINANCE

Ordinance Number 2011-02

An ordinance to secure the public health, safety and welfare of the residents and property owners, by the control and regulation of certain weeds and growth in subdivided lands; to provide penalties for the violation thereof and to repeal all ordinances or parts of and/or residential ordinances in conflict therewith; and which Ordinance is enacted pursuant to authority given by Michigan Compiled Laws 247.61 etc. as amended.

THE TOWNSHIP OF MIDDLEBURY, SHIAWASSEE COUNTY, MICHIGAN
ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Middlebury Township Weed & Grass Ordinance.

Section 2: Definitions

For the purpose of this ordinance, “weeds” shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (ambrosia elatior 1.) And poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*).

Section 3: Purpose

The purpose of this Ordinance is to limit and restrict the growth and spreading of plants and weeds as defined hereafter within the subdivided and/or residential lands of the Township; to thereby avoid the spreading of such plants and weeds to other parts or areas of the Township; to avoid the devaluation of property values, and the psychological ill effect of the presence of such plants and weeds upon adjoining residence and property owners.

Section 4: Notice

The Township shall publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the Township entering onto the property for such purpose and the owner of the property charged with the cost as many times as is necessary. The notice shall also state that such cutting shall be for a depth of 10 rods, or the depth of the lot, whichever is less; and the township shall have a lien upon the lot for the amount of the expense. The lien shall be enforced in the manner prescribed by this state providing for enforcement of construction liens.

Section 5: Regulations

- It shall be the duty of all owners of land upon which weeds & grass, as defined in this ordinance, are growing on lots of two (2) acres or less, that have been created for residential purposes, to cut said weeds before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health, as the same is hereby declared to be a public nuisance.

B. It will be required that grass or weeds on all lots shall be cut to a height of less than twelve (12) inches on or before May 1 and continuing through out the growing season until October 1 of each and every year as necessary.

C. Nothing in this ordinance shall apply to weeds in fields devoted to

growing any small grain crops such as wheat, oats, barley or rye.

Section 6: Penalties

- Within seven (7) days after a violation notice is issued by either certified mail or in person by a designated Ordinance Enforcement Officer of Middlebury Township, if the property is not mowed, the Township will hire a contractor to rid the property of the “weed” and the property owner will be billed the amount the contractor bid for said property, plus an additional Forty Dollar (\$40) charge for administrative fees. If monies are not paid in full within thirty (30) days of billing, a lien will be placed upon the real property (tax bill pursuant to statute); and in addition, the Township may pursue a collection action in District Court for collection thereof.
- In addition, an owner who refuses to cut weeds as provided for herein is deemed guilty of a municipal civil infraction and is subject to a fine of not more than \$100.00, that when collected shall become a part of the noxious weed control fund” of the township.

Section 7: Validity

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 8: Effective Date

This ordinance shall take effect on the 4th day of January, A.D., 2012.

)ss. STATE OF MICHIGAN)
COUNTY OF SHIAWASSEE)

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Middlebury, Shiawassee County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Middlebury Township at a regular Township Board meeting dully called and held on the 7th of November, 2011; and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended.

Susan Tomasek-Swan
Middlebury Township Clerk

Board Member P.Dutton offered the adoption of the resolution. Board

Member C. Stevens supported the ordinance.

Roll call vote as follows:

P. Dutton yes

Stevens yes

E. Dutton yes

Tomasek-Swan yes

Sinicropi yes