

127.000 NOXIOUS WEEDS ORDINANCE

Ord. No. 1998-5

Adopted: March 25, 1998

An Ordinance requiring that property owners ensure that grass and weeds are maintained to a height of less than 12 inches, and providing the Township the authority to effect such maintenance, at the expense of the property owner.

The Charter Township of Union, Isabella County, Michigan, hereby ordains:

127.001 Scope.

Sec. I.

- A. No owner, or his/her agent, of any property within the Charter Township of Union shall permit the growing or placement of weeds, grass or deleterious, unhealthful growths or other obnoxious plant matter in excess of 12 inches in height.
- B. The Zoning Administrator is authorized to publish a notice in a newspaper of general circulation in the township by March 31 of each year that any weeds, grass or deleterious unhealthful growths or other noxious plant matter shall be maintained by the property owner or her/his agent to be less than 12 inches in height at any time after May 1 of the current year.
- C. Any weeds, grass or deleterious unhealthful growths or other obnoxious plant matter that are higher than 12 inches in height after May 1 may be cut by a representative of the township. The township may cause a property to be mowed as many times as is necessary in order to meet the standards of the ordinance.

127.002 Remuneration.

Sec. II.

- A. When the township has effected the removal of such obnoxious growth, or has paid for its removal, the property owner shall be invoiced for the actual cost of such removal. Invoices shall be mailed within 10 days of the completion of removal and shall be due and payable one calendar month from the date of the invoice. If the amount due, or any portion thereof, is unpaid after the due date, the unpaid balance plus accrued interest at the rate of 1% per month from the date of the completion of the work, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner by the township. The charge shall be due and payable by the owner at the time of payment of the tax bill.
- B. Where the full amount due the township is not paid by such owner within 60 days after the cutting, destroying and/or removal of such weeds, grass or deleterious, unhealthful growths, or other noxious plant matter, as set forth in Sections I.C and II.A above, then, and in that case, the township Zoning Administrator shall cause to be recorded in the Treasurer's office of the township a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. The costs and expenses shall be

collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of 1% per month in the event it is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and is due and collectible as provided by law.

127.003 Exceptions.

Sec. III. The following conditions shall cause a parcel, or a portion thereof, to be exempt from the provisions of this ordinance. The Union Township Zoning Administrator's determination of these conditions shall be final.

1. Parcels of land that are three acres or more and are vacant.
2. Landscaping features may contain tall or ornamental grasses.
3. Nursery and landscaping business may grow ornamental grasses.
4. On parcels of land which are zoned "Agricultural" by the Union Township Zoning Ordinance, the provisions of this section shall apply to an area that is within 60 feet of a dwelling, and shall also extend to the road right of way. If said dwelling is on a corner lot, the area to be maintained shall extend to the right-of-way for both roads.

127.004 Title.

Sec. IV. This Ordinance shall be known and cited as the Charter Township of Union Ordinance Number 1998-5, Noxious Weeds Ordinance.

127.005 Severability.

Sec. V. The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

127.006 Effective date.

Sec. VI. This Ordinance will take effect immediately after publication.