

NAPOLEON TOWNSHIP

ORDINANCE # 52.01

GRASS AND NOXIOUS WEEDS ord. no 52 eff. Feb. 11, 1997 as amended July 8, 2008

THE TOWNSHIP OF NAPOLEON ORDAINS:

Section 1: DEFINITIONS OF NOXIOUS WEEDS.

For the purpose of this Ordinance, "noxious 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*), binweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*) hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.), and poison ivy (*Rhus toxicodendron*) poison sumac (*Toxicodendron vernix*), rank vegetation or other plant or vegetation that in the opinion of the Township Board, coming under the provisions of the Noxious Weeds Act Public Act 359 of 1941, as amended (MCL 247.61, et seq.) is recognized as deleterious to health, safety or public welfare and recognized as a common nuisance.

Section 2: APPLICATION OF ORDINANCE

This Ordinance shall apply to all lands in the Township of Napoleon except for those listed in Section 3

Section 3. EXCEPTIONS TO APPLICATION OF-ORDINANCE

Exemption from the provisions of this Ordinance are lands classified as Agricultural and Open Recreation under the Napoleon Township Zoning Ordinance; further exempted from the provisions of this Ordinance shall be flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under the terms of this Ordinance cannot be claimed unless the land has been cultivated and cared for in the manner appropriate to such exempted categories.

Section. 4: PRESENCE OF GRASS OR WEEDS A PUBLIC NUISANCE

It shall be unlawful for the agent, owner, or occupant on any land in the Township of Napoleon to cause, or permit to grow on said land any grass or noxious weeds higher than twelve (12) inches in height. The presence of such grass or weeds (as defined in Section 1 hereof) upon such land is hereby deemed to be detrimental to public health, safety, and welfare of said Township, and shall constitute a public nuisance.

Section. 5: DUTY OF AGENT, OWNER OR OCCUPANT

It shall be the duty of the occupant of every premises and the owner of every unoccupied premises within the Township to cut and remove or destroy by all lawful means, all weeds, grass, or other rank, noxious or harmful vegetation as often as may be necessary to comply with the provisions of section 4 of this Ordinance. The cutting, removing, or destroying of such grass, or weeds must be done to a depth of 165 feet, or the depth of the lot whichever is less. When said cutting, removing or destroying of such grass or weeds, is done at least every three (3) weeks, between May 1st and September 15th of each year, the property shall be deemed to be in compliance with the requirements of this Ordinance.

Section 6: NOTICE BY PUBLICATION: FAILURE OF AGENT, OWNER OR OCCUPANT TO COMPLY; ACTION BY TOWNSHIP: COLLECTION OF EXPENSES: PENAL PROVISIONS

If the provisions of sections 2 and 4 of this Ordinance are not complied with, the Township Ordinance Enforcement Officer, his/her designee or any other designated official or person(s) by the Township Supervisor, shall notify the agent, owner or occupant of any land in Napoleon Township to which this Ordinance applies:

(a) Notice will be given each owner or occupant by delivering the notice to the agent, owner or occupant personally or by leaving same at his/her residence with a person of suitable age, by first class mail to agent's owner's or occupant's last known address or by certified mail, return receipt requested; and

(b) Require compliance with sections 2 and 4 of this Ordinance within ten (10) days after mailing or delivery of such notice. In lieu of the above notice, the Township may cause to be published, during the month of March each year, notice in a newspaper of general circulation within the Township, advising the general public of the provisions of this Ordinance adopted under authority of Act 359 of the Public Acts of 1941 as last amended and that the Ordinance will be enforced within the Township of Napoleon.

(c) If the agent, owner or occupant of occupied or unoccupied land does not then remove all noxious weeds, grass and other rank vegetation in a manor consistent with section 4 of this Ordinance, the Township Ordinance Officer or his/her designee or any other official or person(s) designated by the Township Supervisor shall cause such weeds, grass or rank, noxious or harmful vegetation to be cut, removed, or destroyed.

(d) The agent, owner or occupant of such land shall be liable for all costs incurred by the Township in connection with the cutting or destroying, including an additional fee of fifteen percent (15%) for inspection, with a minimum cost or charge of Twenty-five Dollars (\$25.00).

(e) From the time of the commencement of the cutting and destruction of such grass, noxious weeds and vegetation, as defined in Section 1, the Township shall have a lien upon the land; and in the event the charges involved are not paid by the agent, owner or occupant of said land within thirty (30) days from the date of billing to said person by registered or certified mail, return receipt requested, payment shall be deemed delinquent and said lien enforceable as a tax lien, as provided by law, against the land to be charged and collected as in the case of general property tax against the land in question.

Section 7: SEVERABILITY CLAUSE

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion thereof.

Section 8: CONFLICTS

Any ordinance or parts of ordinances in conflict or inconsistent with any of the provisions of this chapter are hereby repealed.

Section 9: PENALTY

(A) Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a municipal civil infraction and shall be punished by a fine(s) as provided for by Ordinance 72. Each day that a violation continues to exist shall constitute a separate offense.

(B) In addition, any violation of this chapter shall be deemed a nuisance per se, permitting the Township Board, its officers, agents, or any private citizen to bring an action in any court of competent jurisdiction to cause the abatement of the nuisance, including injunctive relief.

Section 10: EFFECTIVE DATE

This ordinance shall be published in the manner provided by law and shall take effect 30 days after publication.

At a regular meeting of the Napoleon Township Board held in the Township Hall on the 8th day of , 2008, at 7:00 p.m., the foregoing Ordinance was offered by member Lammers, and supported by member Day

The foregoing Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the boundaries of the Township of Napoleon and qualified under state law to publish legal notices promptly within its adoption, and shall take effect thirty (30) days after the date of publication.

MEMBERS PRESENT Butler, Day, Stetler, Lammers and Wymer

MEMBERS ABSENT: None

MEMBERS VOTING IN FAVOR OF ADOPTION: Butler, Day, Stetler, Lammers and Wymer

MEMBERS VOTING AGAINST ADOPTION : None

Adopted: July 8, 2008

Effective: August 14, 2008

Denise Butler, Supervisor

Janet Day, Clerk