

The Charter Township of Mount Morris
Amendment to Ordinance No. 78 118-A
Chapter 9 of the Code of Ordinances

THE CHARTER TOWNSHIP OF MOUNT MORRIS ORDAINS:

Chapter 9 of the Code of Ordinances of the Charter Township of Mt. Morris, Michigan is hereby amended as follows:

Article I—Statement of Purpose

1.01 *Purpose:* The purpose of this Ordinance is to secure the public health, safety and welfare of Township residents and property owners by the controlling and regulating the cutting, destruction, and removal of noxious and poisonous weeds and tall grass within the Charter Township of Mount Morris; to provide for the levy and collection of the cost incurred thereby when completed by the Charter Township of Mount Morris; to provide notice to property owners; and to provide penalties for the violation thereof.

1.02 *Name of Ordinance:* The name of this ordinance shall be The Tall Grass & Noxious Weed Control Ordinance.

Article II—Definitions

2.01 *Noxious Weeds* means all weeds which exceed 8 inches in height, including but is not limited to, the following:

- A. Canada thistle (*Cirsium arvense*);
- B. Dodders (any species of *Cuscuta*);
- C. Mustards (charlock, black mustard, Indian mustard, and species of *Brassica* or *Sinapis*);
- D. Wild Carrot (*Daucus carota*);
- E. Bindweed (*Convolvulus arvensis*);
- F. Perennial sowthistle (*Sonchus arvensis*);
- G. Hoary Alyssum (*Berteroa incana*);
- H. Giant Hogweed (*Heracleum mantegazzianum*);

- I. Ragweed (*Ambrosia elatior* l.);
- J. Poison Ivy (*Rhus toxicodendron*);
- K. Poison Sumac (*Toxicodendron vernix*);

2.02 *Parcel of Property* means that real property which is identified by a single parcel number by the Township Treasurer.

2.03 *Person* means any individual, partnership, corporation, association, or limited liability company.

2.04 *Property Owner* means any Person who owns a Parcel of Property within the Township.

2.05 *Tall Grass* means any type of grass that is over 8 inches in height or at seed bearing stage, except:

A. Agricultural crops including but not limited to soybeans, navy beans, corn, wheat, oats, barley, or rye; and

B. Garden and decorative plants, including flowers, shrubbery and vegetables.

2.06 *Township* means the Charter Township of Mt. Morris, Genesee County, Michigan.

2.07 *Township Board* means the Township Board of Trustees.

Article III—Parcels of Property Subject to Ordinance

3.01 *Property Subject to Ordinance.* Except for any Parcel of Property described in *Paragraph 3.02*, every Parcel of Property located in the Township is subject to this Ordinance, including:

- A. A Parcel of Property situated in a platted subdivision;
- B. A Parcel of Property situated along a public street;
- C. A Parcel of Property situated along an improved street in common usage;
- D. A Parcel of Property along a public road.

3.02 Property Not Subject to Ordinance. The following Parcels of Property are excluded from this Ordinance:

- A. A Parcel of Property which has naturally wooded areas, regulated wetlands, or meadows;
- B. A Parcel of Property which includes areas designated by the Planning Commission as undeveloped open space;
- C. A Parcel of Property which is zoned Rural Agricultural District or Rural Estate Residential District and which is being used to grow crops such as soybeans, navy beans, corn, wheat, oats, barley, or rye.

Article IV—Duty to Cut, Destroy, & Remove Noxious Weeds & Tall Grass

4.01 Duty of Property Owners to Keep Property Free of Noxious Weeds & Tall Grass. Subject to *Paragraph 4.02*, a Property Owner of a Parcel of Property situated in the Township which is described in *Paragraph 3.01* must cut, destroy, and remove all Noxious Weeds and Tall Grass:

- A. Before they grow to 8 inches in height; and
- B. Before they reach a seed-bearing stage; and
- C. Before they perpetuate themselves.

4.02 Limitation on Cuts. The requirements of *Paragraph 4.01* and *Paragraph 4.02* are limited to the Noxious Weeds and Tall Grass on the Parcel of Property to a depth of 165 feet or to the back-boundary line of the Parcel of Property, whichever is less.

Article V—Failure or Refusal to Comply

5.01 Notification of Failure to Comply. Property Owners who fail to comply with this Ordinance must be notified by the Township as provided by **Article VII**.

5.02 Township Authorized to Cut Noxious Weeds and Tall Grass. Subject to *Paragraph 5.03*, if a Property Owner fails to comply with this Ordinance after notification as provided by **Article VII**, the Township may direct an agent or authorized representative to enter upon any Parcel of Property and cut, destroy, and remove the Noxious Weeds or Tall Grass thereon:

- A. Before they grow to 8 inches in height; and

- B. Before they reach a seed-bearing stage; and
- C. Before they perpetuate themselves.

5.03 *Incomplete Cutting of Noxious Weeds and Tall Grass.* In the event that a Property Owner fails to completely cut, destroy, and remove the Noxious Weeds or Tall Grass as required by *Paragraph 4.01*, then the Township may direct an agent or authorized representative to enter upon any Parcel of Property and cut, destroy, and remove the remaining Noxious Weeds or Tall Grass as required by *Paragraph 5.02*.

Article VI—Assessment of Costs

6.00 *Costs of the Township:* A Property Owner is responsible for all expenses incurred by the Township, plus an administrative fee of \$50, to cut, destroy, and remove the Noxious Weeds and Tall Grass on a Parcel of Property, including but not limited to, the expense for equipment usage, transportation, labor, and overhead, and the expense to remove and relocate debris, junk, or other miscellaneous obstructions which prevent compliance with the requirements of this Ordinance and:

- A. The Township must submit to a Property Owner an Invoice for such expenses and fee; and
- B. The Property Owner must pay the balance due on the Invoice within 35 days; and
- C. Any amount of the Invoice which remains unpaid after 35 days shall become a lien enforceable against the Parcel of Property; and
- D. The lien provided in *Paragraph 6.00C* shall become enforceable as a tax lien against the Parcel of Property in the amount of the Invoice, plus an additional delinquency fee of 10%, until paid. The lien shall be collected in the same manner as other taxes levied and collected.

VII—Notice

7.01 *Notice Published in Newspaper.* The Township must publish in a newspaper of general circulation in the Township of Mt. Morris during the month of March of each year a Notice which contains the following:

- A. A summary of this ordinance setting forth the requirement that Property Owners must cut, destroy, and remove certain Noxious Weeds and Tall Grass; and

B. A statement that the Township will cause any Noxious Weeds and Tall Grass that violate this ordinance to be cut, destroyed and removed at the expense (plus an administrative fee) of the Property Owner; and

C. A statement that the Township will cause a lien to be placed on any parcel of property of a Property Owner who fails to pay the expense (plus an administrative fee) of the Township.

7.02 Notice of Weed Cutting. After the Township determines that a Property Owner has failed to comply with the requirements of this Ordinance, the Township must send by regular mail a notice to the Property Owner, sent to the address of the Property Owner listed on the Township tax rolls, which includes the following:

A. The Date of the Notice;

B. The Name of the Property Owner;

C. The address of the Property;

D. The tax parcel number of the Property;

E. A statement indicating that the Township will direct that the Noxious Weeds and Tall Grass on the property will be cut, destroyed, and removed at the expense of the Owner, if the Owner of the Parcel of Property fails to do so by the Re-Inspection Date (which is at least 10 days after the Date of the Notice);

F. The Re-Inspection Date;

G. The name, regular mail address, phone number, and email address of the responsible township person to contact to present any objections.

Article VIII—Penalties

8.01 Public Nuisance. The presence of Noxious Weeds or Tall Grass on a Parcel of Property listed in *Paragraph 3.01* in the Township is a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.

8.02 Civil Infraction. Any person who violates this Ordinance is guilty of a civil infraction and will, upon being found responsible for a first offense thereof, be fined not more than \$500, plus the cost of prosecution. Each day that a violation continues is deemed a separate offense.

Article IX—Township Not Responsible for Damage

9.00 *Township Not Responsible for Damage.* Due care shall be taken to prevent damage but neither the Township nor its agents and representatives shall be responsible for damage to buildings, vehicles, personal property, landscape, trees, shrubs, etc., during the mowing of property in violation of this ordinance.

Article X--Right to Designate Agent or Representative

10.00 *Agent or Representative.* The Township Board shall have the right to designate and name the agent or representative responsible for carrying out the provisions of this Ordinance and shall determine and fix the agent or representative's compensation.

Article XI—Severability

11.00 *Severability.* The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason, it will not affect any other part or portion thereof.

Article XII—Conflict

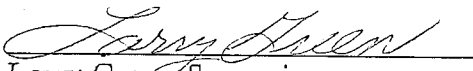
12.00 *Conflict.* All other Ordinances or parts of Ordinances that are in conflict with this Ordinance are hereby revoked.

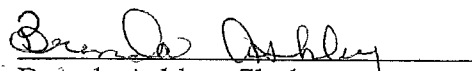
Article XIII—Effective Date

13.00 *Effective Date.* This ordinance becomes effective upon the 1 day of August, 2017, following publication of its final passage. This ordinance must be published in a newspaper circulated within the Charter Township of Mt. Morris, Genesee County, Michigan.

CERTIFICATION:

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Mount Morris Charter Township, Genesee County, Michigan, do hereby certify that the above Mount Morris Township Amendment to Chapter 9 of the Code of Ordinances was duly adopted by the Township Board of the Charter Township of Mount Morris, at which meeting a quorum was present.


Larry Green, Supervisor


Brénda Ashley, Clerk