

ROSCOMMON TOWNSHIP

ROSCOMMON COUNTY

ORDINANCE #78

ROSCOMMON TOWNSHIP WEED ORDINANCE

Adopted 02/04/2020; Effective March 14, 2020

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 and upon lands along improved streets within the township; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

The Township of Roscommon, County of Roscommon, ordains:

Section 1: Title.

This ordinance shall be known and cited as the Roscommon Township Weed Ordinance.

Section 2: Weeds Declared A Nuisance. Any noxious weeds or grass in excess of ten (10) inches in height that in the opinion of the Township Board, coming under the provisions of the Noxious Weed Act, Public Act 359 of 1941, as amended (MCL 247.61, *et seq.*), is regarded as a common nuisance. This section shall not be applicable to plants or ornamental grasses which are planted for landscaping purposes.

Section 3: Definitions.

As used in this ordinance the following words and terms shall have the meanings stated herein:

- A. "Uncontrolled Plant Growth" means any non-woody vegetation exceeding a height of ten (10) inches; except where such vegetation is not out of character with the development of and landscaping in the surrounding area within 500 feet, and also excepting all small grain or food crops, such as wheat, corn, oats, barley or rye, and garden vegetables.
- B. "Owner" and "occupant" shall mean any person or entity with any ownership or possessory right or interest, including deed holders and land contract vendees (whether recorded or unrecorded), mortgagees, lessees, and other tenants, residents, and any agent of any of same.

Section 4: Regulations.

- A. It shall be the duty of all owners of land upon which weeds or grass, as defined in this ordinance, are growing, either:
 - 1. Within platted subdivisions in which buildings have been erected upon 60 percent or more of the lots, or
 - 2. On parcels of land along improved streets in common usage within the township, to a depth of one hundred sixty-five (165) feet or the depth of the ownership, whichever is the lesser, to destroy said grass in excess of ten (10) inches in height, weeds before they reach a seed-bearing stage and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.
- B. 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 5: Abatement. It shall be the duty of each owner, possessor or occupier of land and every person having charge of any land within the Township of Roscommon to cut all grass and noxious weeds exceeding ten (10) inches in height on or before May 1 of each year and as often thereafter as necessary.

If grass and weeds are not cut as required by this Ordinance, the duly authorized contractor engaged by the Township may enter upon the land and cause all such weeds and grass to be cut.

Section 6: Expenses. All expenses of such cutting including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Ordinance shall be paid by the owner of such land plus an administrative charge of \$100.00 per cutting/per parcel.

Section 7: Notice. The Township shall publish at least once per year a public notice in a newspaper of general circulation in the County during March in the following form:

“PUBLIC NOTICE
TOWNSHIP OF ROSCOMMON
NOTICE TO CUT ALL GRASS AND NOXIOUS WEEDS

It shall be the duty of each owner, possessor or occupier of land and every person having charge of any land within the Township of Roscommon to cut all grass and noxious weeds exceeding ten (10) inches in height on or before May 1 of each year and as often thereafter as necessary.

If grass and weeds are not cut as required, the duly authorized contractor engaged by the Township may enter upon the land and cause all such grass and weeds to be cut down. All expenses of such cutting, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carrying out the requirements shall be paid by the owner of such land. This notice shall not be applicable to ornamental grasses and plants which are planted for landscaping purposed.”

Section 8: Lien. Charges for grass and weed cutting by the Township contractor and administration charges shall be a lien upon the property. Expenses incurred in the destruction of the noxious weeds shall be paid by the owner of the land. If not paid by the owner the official in charge of the collection thereof shall, prior to October 1 of each year, certify to the Township Assessor the facts of such delinquency, whereupon the Township Assessor shall enter such delinquent charges against such premises and the same shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced.

Notice of such lien claim shall be mailed to the owner of the premises on the Township tax roll at the last known address, provided, however, that failure of the Township to record such lien claim or mail such Notice, or the failure of the owner to receive such Notice shall not affect the right to foreclose therein for such charges.

Section 9: Violations and Enforcement.

- A. Any person, firm, association, partnership, or corporation that violates any of the provisions of this Ordinance or fails or refuses to abide by and Order entered under this Ordinance may be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Fine
-1 st Offense	\$ 75.00
-2 nd Offense*	\$150.00
-3 rd Offense*	\$300.00
-4 th or More Offenses*	\$450.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Roscommon Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

- B. This ordinance shall be administered and enforced by the person designated by the Township Board as the Ordinance Officer, or by such other person(s) as the Township Board may designate from time to time.

Section 10: Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11: Effective Date. This ordinance is effective on the 30th day following a publication of a summary thereof, after adoption by the Township Board. Conflicting ordinances and parts of ordinances, specifically but not limited to Ordinance No. 72 entitled "Roscommon Township Weed Ordinance", as amended are hereby repealed.

Roscommon Township
 Carie A. Milburn, Clerk
 8555 Knapp Road
 Houghton Lake, MI 48629

CLERK'S CERTIFICATION

I do hereby certify that Ordinance #78 was adopted at the regular meeting of the Roscommon Township Board on February 4, 2020. A summary of the above Ordinance was published once in the Houghton Lake Resorter, a newspaper of general circulation in the Township on February 13, 2020, and shall take effect March 14, 2020. The vote was as follows:

Mary Ann Hose: yes	Robert Christian yes
Treasurer	Trustee
Diane F. Randall: yes	Terry DuPuis: yes
Supervisor	Trustee
Carie A. Milburn: yes	
Clerk	

ATTESTED:


 Carie A. Milburn, Roscommon Township Clerk