

FAIRFIELD TOWNSHIP
LENAWEE COUNTY, MICHIGAN

WEED CONTROL ORDINANCE

Ordinance No. 2008-1

An ordinance pursuant to the Noxious Weeds Act, Public Act 359 of 1941, as amended (MCL 247.61, *et seq.*) to secure the public health, safety and welfare of the residents and property owners, by the control and regulation of certain weeds and growth on land and premises 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 FAIRFIELD, LENAWE COUNTY, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known as the Fairfield Township Weed Control 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*), poison sumac (*toxicodendron vernix*) or any other plant which 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 regarded as a common nuisance.

Section 3: Intent.

This ordinance is intended to apply to all properties with, or in, industrial, commercial, residential or agricultural zoning classifications or districts except for those exemptions to the ordinance as stated in Section 9.

Section 4: Weed growth prohibited.

No person occupying any premises, and no person owning any unoccupied premises, shall permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than eight inches (8") on average; nor any accumulation of dead weeds, grass or brush.

Section 5: Duty of occupant or owner.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the Township, to cut and remove or destroy by lawful means all such noxious weeds, grass and vegetation upon the premises. Any person who shall so cut, remove, or destroy such noxious weeds, grass and vegetation at least once in every three (3) weeks or before same reach a height in excess of 8 inches, on average, between May 15 and September 15 of each year shall be deemed to be in compliance with the requirements of this ordinance.

Section 6: Township to do work.

If the provisions of Sections 3 and 4 are not complied with, the Township Supervisor shall notify the occupant, or owner of unoccupied premises, to comply with the provisions of said sections within a time to be specified in the notice which notice shall be given as specified in Section 6. Said Notice shall require compliance with this ordinance within ten (10) days after service of the notice, and if such notice is not complied with in the time allowed, the Township Supervisor shall cause such weeds, grass and other vegetation to be cut, removed and destroyed, as many times as necessary, to achieve and maintain compliance with this ordinance. Expenses incurred in the cutting, removal and destruction of said weeds, grass and vegetation shall be paid by the occupant of the premises or the owner of unoccupied premises and the township shall have a lien against the premises in the amount of such expenses to be enforced against the property as allowed by law. The Township Supervisor shall be the Commissioner of Noxious weeds in the township for purposes of this ordinance and shall serve in such capacity without additional compensation.

Section 7: Service of notice.

Notice required under Section 5 may be accomplished by any one or more of the following methods:

- (a) By delivering the notice to the occupant or owner personally or by leaving same at his residence, office or place of business with a person of suitable age and discretion; or,
- (b) By mailing said notice by registered or certified mail to such occupant or owner, return receipt requested, at his last known address; or,
- (c) If the occupant or owner is unknown, by posting said notice in a conspicuous place on the premises for five (5) days.

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted under this ordinance unless permission is given by the Township Supervisor to remove said notice.

Section 8: Alternate notice by publication.

Instead of the notice required by Section 5 of this ordinance, the township may publish a notice in a newspaper of general circulation in the county during the month of March that weeds, grass and vegetation in violation of this ordinance must be cut by May 15 or that year and every three (3) weeks thereafter or upon reaching a height in excess of 8", through September 15 of that year, and any such weeds not cut in accordance with this ordinance may be cut by the township and the owner of the property charged with the cost under the provisions of Section 5. Said publication shall also contain all other information required of the notice provided for in Section 5. The township may cut weeds, grass and vegetation as many times as is necessary to achieve and maintain compliance with this ordinance. Expenses incurred in the cutting, removal and destruction of said weeds, grass and vegetation shall be paid by the occupant of the premises or the owner of unoccupied premises and the township shall have a lien against the premises in the amount of such expenses to be enforced against the property as allowed by law.

Section 9: Exemptions.

This ordinance does not apply to flower gardens, plots of shrubbery, vegetable gardens and fields devoted to growing any small grain crop such as wheat, oats, barley or rye. However, such exemption under this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.

This ordinance further does not apply to CRP ground or the land (fields, pastures, etc.) of a farm actually used in the production of farm products.

The terms "farm" and "farm products" shall have the same definitions as contained in the Michigan Right to Farm Act, same being Public Act 93 of 1981, as amended.

Section 10. Railroads.

The provisions of this ordinance regarding the entering on property for cutting of weeds, grass and vegetation shall not apply to railroads.

Instead, as required by MCL 247.71, as amended, any company, association or person owning, controlling or operating a railroad refusing or neglecting to cut, remove, destroy or take other means of exterminating noxious weeds, grass or vegetation that may at any time be growing upon the right of way or other lands of such railroads, shall be responsible for a civil infraction and fine of \$200.00 for each such offense.

Section 11: Penalties

Any person or entity who fails or refuses to comply with this ordinance, or any order issued by the township board or supervisor pursuant to this ordinance, is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not

more than \$200.00 plus costs which may include all direct or indirect expenses to which the township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues shall constitute a separate and distinct violation.

Nothing stated in this section shall preclude or prohibit the township from charging, collecting from the occupant or owner of unoccupied premises the expenses incurred by the township in removing or destroying noxious weeds, grass or vegetation as provided for in this ordinance, or claiming same as a lien against said premises.

Section 12: Severability

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

Section 13: Prior and inconsistent ordinances repealed.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

Section 14: Effective Date

This Ordinance shall become effective immediately upon publication as required by law following adoption by the Township Board.

Yeas: (5) Nays: (0) Absent: (0)

ORDINANCE DECLARED ADOPTED ON May 13 - 2008

Curt E. Emmons

Curt Emmons, Supervisor
Fairfield Township

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Carol DeLong, the duly elected Clerk of Fairfield Township, certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Fairfield Township Board on May 13 - 2008 and published in the Adrian Daily Telegram, a newspaper circulated in Fairfield Township on May 29th 2008

Carol DeLong
Carol DeLong, Clerk Fairfield Township

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