

**DENTON TOWNSHIP ORDINANCE
ROSCOMMON COUNTY, MICHIGAN
TALL GRASS AND WEED ORDINANCE
ORDINANCE NO. 10052106**

At a meeting of the Township Board of Denton Township, Roscommon County, Michigan, held at the Denton Township Hall on October 5, 2016, at 7:00 p.m., Township Board Member Pietchak moved to enact the following Ordinance for final adoption, which motion was seconded by Township Board Member Asher:

An ordinance to secure the public health, safety and welfare of the residents and property owners by controlling the height of grasses and weeds on properties located within Denton Township; to set forth duty of land owner to cut grasses and weeds; to provide for an appeal to the Township Board, to establish recovery of costs by Denton Township; and to establish civil infractions and penalties for violation thereof.

THE TOWNSHIP OF DENTON, COUNTY OF ROSCOMMON, ORDAINS:

SECTION 1. Title. This ordinance shall be known and cited as the “Denton Township Tall Grass and Weed Ordinance”.

SECTION 2. Purpose. The Township finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. As such, this Ordinance is hereby created to secure the public health, safety and general welfare of the residents and property owners of the Township by regulating the height of grass and weeds on land subject to this Ordinance, in all zoning districts of the Township.

SECTION 3. Definitions

- A. “Grass” shall mean vegetation consisting of typically short plants with long narrow leaves, growing wild or cultivated on lawns and pasture, and as a fodder crop and shall exclude ornamental grass or shrubs.
- B. “Land Used for Agriculture” shall mean the active use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.
- C. “Weed” or “Weeds”: shall mean any plant defined or identified in the Noxious Weeds Act, Public Act 359 of 1941, as amended, or other plants that in the discretion of the Township Board come under the provisions of the Noxious Weeds Act.

SECTION 4. Tall Grass and Weeds Prohibited. It shall be unlawful for any landowner, occupant or any person in possession of any land within the jurisdiction of the Township to permit or maintain any growth of grass or weeds that has grown to a height greater than twelve (12) inches on the average, except as provided below:

- A. An undeveloped lot in which no building has been erected and is located within a platted subdivision or condominium in which 40 percent or more of the remaining lots in that subdivision or condominium are not developed; or
- B. Land being actively used for agricultural purposes; or
- C. Portions of lots used for flower gardens, shrubbery, vegetable gardens, greenbelts, and natural waterfront shoreline; or
- D. Naturally wooded areas, regulated wetlands or meadows; or
- E. Areas designated as undeveloped open space.

SECTION 5: Notice of Violation

- A. If any landowner, occupant, or person in possession fails to comply with this Ordinance, the Township is hereby authorized and empowered to notify the landowner, occupant, or person in possession of the violation and to direct the landowner, occupant, or the person in possession to abate the ordinance violation. Such notice shall be in writing, addressed to the landowner, occupant, or person in possession and shall inform the landowner, occupant, or person in possession of the following:
 - 1. The nature of the violation and the method of abating the violation,
 - 2. The time in which the property must be brought into compliance, which shall not be more than fifteen (15) days from the date of the notice,
 - 3. The Township may act to remedy the violation as provided by this Ordinance, if it is not remedied within the time allowed,
 - 4. If the Township mows, cuts, or otherwise remedies the violation, the cost, plus an administrative fee, shall be assessed as a lien against the land until paid, and
 - 5. The lack of cooperation to remedy the violation may result in issuance of a civil infraction.
- B. The Township shall serve such notice in one of the following ways:
 - 1. By delivering the notice to the landowner, occupant, or person in possession personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion; or
 - 2. By mailing such notice by regular first class mail, with proof of mailing to such landowner, occupant, or person in possession at his or her last known address, and by posting such notice in some conspicuous place on the land.

Failure to receive notice does not constitute a defense to an action to enforce the payment of a fine or lien created by this Ordinance.

SECTION 6: Enforcement Hearing Before the Denton Township Board. The landowner, occupant, or person in possession may appeal in writing the Denton Township's Notice of Violation to the Township Board within 5 days from the date the Notice of Violation was served upon the landowner, occupant, or person in possession. Upon receipt of a written appeal, the Denton Township Board shall fix a date for a hearing to determine whether a violation of this Ordinance has occurred. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the Notice of Violation and this Ordinance should not be enforced. The Denton Township Board shall approve, disapprove, or modify the Notice of Violation. If the Notice of Violation is approved or modified, the landowner, occupant, or person in possession shall comply within 3 days after the date of the hearing under this section.

SECTION 7: Right of Entry and Abatement by Township. If after notification or an approval or modification of the notification, the landowner, occupant, or person in possession of any land in violation of this Ordinance fails, neglects, or refuses to completely bring the land into compliance, or otherwise permits the violation to continue, the Township, or its authorized contractor or other designee(s) is authorized and empowered to enter the land to mow and cut as necessary to bring the land into compliance. The Township shall keep accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this Ordinance.

SECTION 8: Collection from Land Owners.

- A. All expenses incurred in connection with the cutting or removal of grass or weeds, plus an administrative fee of \$100, shall be paid by the landowner, occupant, or the person in possession. The landowner, occupant, or person in possession shall be notified by Denton Township of the amount of the cutting or removal of grass or weeds, plus an administrative fee of \$100, by first class mail at the address shown on Denton Township's records.
- B. If the landowner, occupant, or person in possession fails to pay the costs within 14 days after mailing by Denton Township of the notice of the amount of the cost, Denton Township shall have a lien against the land for the amount of the expenses and fee. The lien shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, MCL 211.1, et. seq.
- C. If the Township should elect to cut and remove grass or weeds, such action will not preclude enforcement of this Ordinance by the issuance of a Township civil infraction.

SECTION 9: Enforcement; Civil Infractions Sanctions

- A. The Township Board shall designate the person(s) to be responsible for administering and enforcing this Ordinance as it deems appropriate.

B. In addition to any other civil penalties or remedies provided for in this Ordinance or under Michigan law, any person, firm, association, partnership, corporation or governmental entity who fails or refuses to comply with this Ordinance shall 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:

Offense	Fine
1 st Offense within 3-year period	\$125.00
2 nd Offense within 3-year period	\$250.00
3 rd Offense within 3-year period	\$450.00
4 th Offense with 3-year period	\$500.00

The 3-year period shall be determined based on the date of commission of the offense.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Denton Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor 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, or other appropriate remedy to compel compliance with this Ordinance.

SECTION 10: Severability. If any part of this Ordinance is declared or adjudged invalid by present or future legislation or decree of any Court of competent jurisdiction, the balance of the Ordinance shall not be affected thereby.

SECTION 11: Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 12: Effective Date. This Ordinance shall take effect thirty (30) days following publication or posting after adoption by the Township Board.

YEAS:5

NAYS: 0

ABSENT/ABSTAIN_