

**CHARTER TOWNSHIP OF SHELBY
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 264

AN ORDINANCE TO AMEND CHAPTER 74 VEGETATION TO CONTROL AND ERADICATE NOXIOUS WEEDS IN THE TOWNSHIP; AND PRESCRIBE DUTIES THEREUNDER, TO REQUIRE THE OWNER, AGENT OR OCCUPANT OF LANDS ON WHICH NOXIOUS WEEDS ARE GROWING TO DESTROY SAID WEEDS OR CAUSE THE SAME TO BE DESTROYED; TO PROVIDE FOR NOTICE TO SAID OWNERS, AGENTS OR OCCUPANTS REQUIRING THE DESTRUCTION OF NOXIOUS WEEDS, TO PROVIDE A MEANS OF ENFORCEMENT BY IMPOSITION OF A LIEN ON SUCH LANDS FOR THE EXPENSE INCURRED BY THE TOWNSHIP IN CONTROLLING AND ERADICATING SUCH WEEDS, FOR REPEALER, SEVERABILITY, PENALTIES AND EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF SHELBY ORDAINS:

Section 1. Short Title. This Ordinance shall be known and cited as the "Shelby Township Noxious Weeds Ordinance".

Section 2. Chapter 74, Article III, Sections 74-91 through 74-96 shall be repealed and amended in its entirety to read as follows:

Sec. 74-91. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food handling commercial property means land on which a commercial business exists which deals, as part of its normal business activity, in the sale or distribution of any food or food products for human or animal consumption.

Improved occupied land means all parcels or property on which a building or structure is erected.

Improved vacant land means all platted subdivision lots and all building sites contained within the master deed of a condominium development (residential and commercial) in the township in which 50 percent or more of the lots or building sites contained in that development have a building erected or under construction upon them.

Spring means the months of March, April or May.

Vacant land means all parcels of property under three acres in size which do not contain a building or structure upon it.

Vacant acreage parcel means all land which is three acres in size or greater and does not contain a building or structure upon it.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Sec. 74-92 - Height Limitation.

It shall be unlawful for any owner, agent or occupant of any land within the township, to permit any weeds, grass, plants, brush, or other rank, noxious, poisonous or otherwise harmful vegetation other than trees, ornamental flowers, other ornamental plants or crops to grow to a height exceeding those specified below;

- (a) On any IMPROVED OCCUPIED LAND, a height exceeding six inches (6”).
- (b) On any IMPROVED VACANT LAND, a height exceeding ten inches (10”).
- (c) On any VACANT LAND, a height exceeding ten inches (10”).
- (d) On any VACANT ACREAGE PARCEL, a height exceeding ten inches (10”) within one hundred feet (100’) of the edge of the roadway.
- (e) On any VACANT LAND or VACANT ACREAGE PARCEL that, as to any portion of such land which comes within 500 feet from the boundary line of any food handling commercial property, a height exceeding ten inches (10”).

Sec 74-93. Responsibility of Property Owner or Occupant.

It shall be the responsibility of the property owner, agent or occupant to maintain property in accordance with Section 74-92 and abate violations as may exist on the property after notice has been provided pursuant to Sec. 74-94.

The requirements of this article shall not apply to fields devoted to growing crops or to lands which are situated within flood plains or any natural streams or water courses.

Sec. 74-94. - Notice of Violation.

- (a) During the spring of each year, the Township shall publish a notice in a newspaper of general circulation in Township limits stating that:

Pursuant to Chapter 74 et seq. of the Code of Ordinances of Shelby Township, property owners, agents and occupants of land within the township are hereby notified that noxious weeds and any weeds, grass and brush of any species or

variety (except trees, ornamental flowers, other ornamental plants, or crops) on property within the township limits shall be cut through the months of May, June, July, August, September and October when exceeding the following limitations:

- (1) On any IMPROVED OCCUPIED LAND, a height exceeding six inches (6").
- (2) On any IMPROVED VACANT LAND, a height exceeding ten inches (10").
- (3) On any VACANT LAND, a height exceeding ten inches (10").
- (4) On any VACANT ACREAGE PARCEL, a height exceeding ten inches (10") within one hundred feet (100') of the edge of the roadway.
- (5) On any VACANT LAND or VACANT ACREAGE PARCEL that, as to any portion of such land which comes within 500 feet from the boundary line of any food handling commercial property, a height exceeding ten inches (10").

Failure to maintain properties as outlined above will result in the township cutting the property and the owner of the property charged with the cost of cutting plus an administrative fee. Such expenses shall become a lien against the property until paid pursuant to Section 74-95.

The Township may cut such weeds, grass or brush as many times as is necessary to maintain compliance during the months of May, June, July, August, September and October and charge the cost to the property owner.

- (b) In addition to the above public notice, for IMPROVED OCCUPIED LAND found to be in violation, a notice shall be posted on the property which contains the same information as required in the public notice. Furthermore, the notice shall specify that unless the violation is abated within seventy-two (72) hours, the Township will enter upon the property and abate the violation.

Sec. 74-95. - Failure to Comply.

- (a) Action authorized. If the owner, agent or occupant fails to comply with this article, the township may cut or eradicate the offending weeds, grasses and/or plants and may enter upon such lands where the offending weeds, grasses and/or plants are located and perform such acts.
- (b) Owner liability. The expenses and cost of work authorized in subsection (a) of this section, plus an administrative fee that shall be set by resolution of the Township Board of Trustees, shall be charged to and paid by the owner of such lands. All expenses incurred by such destruction shall be paid by the owner or owners of such

subdivided lands or lots and the Township shall have a lien upon such subdivided lands or lots for such expense, such lien to be enforced in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens.

- (c) Waiver of payments. The building director or any other person authorized by the township board of trustees may, upon timely request of an owner, waive the payment of such expenses, cost and fee or any portion if such payment should and ought to be waived because of hardship.
- (d) Performance of such work by the Township under this section shall not relieve the property owner of the prosecution or penalties described in section 74-96 of this article.

Sec. 74-96. - Lien Rights.

- (a) *Of township.* The township shall have immediately upon removal, a lien for the expenses and costs for the removal of such weeds, grasses and/or plants and for the administration fee upon the lot or parcel of land upon which such weeds, grasses and/or plants were removed.
- (b) *Collection of delinquent charges.* If the charges are not paid prior to the preparation of the next tax bill in the township, the amount charged shall be assessed as a lien against such land on such next tax bill and enforced in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens

Sec. 74-97. - Violation; Penalty.

Any person who violates the provisions of section 74-92 shall be responsible for a municipal civil infraction and subject to the penalties provided in 1-7 of the Shelby Township Code of Ordinances.

Section 3. Repeal of conflicting provisions.

All Resolutions or Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability.

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. Publication of ordinance.

This Ordinance shall be published in full in a newspaper of general circulation in the Township of Shelby, within ten (10) days after its adoption.

Section 6. Effective date.

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I STANLEY GROT, Clerk for the Charter Township of Shelby, County of Macomb, State of Michigan, certify that this is a true copy of an Ordinance adopted by the Board of Trustees of the Charter Township of Shelby at its regular meeting on the 16th day of April 2013.

Stanley Grot, Township Clerk

INTRODUCTION: April 2, 2013
FIRST PUBLICATION: March 27, 2013
ADOPTION: April 16, 2013
SECOND PUBLICATION: April 24, 2013
EFFECTIVE DATE: April 24, 2013