

CHARTER TOWNSHIP OF MONROE
ORDINANCE NO. 134

An Ordinance to repeal the existing Noxious Weed Ordinance No. 132 and to replace it with an Ordinance to destroy and eliminate the spread of noxious weeds and control grass height within Monroe Charter Township, Monroe County, Michigan; to provide for the enforcement thereof; and to provide penalties for the violation thereof.

THE CHARTER TOWNSHIP OF MONROE ORDAINS:

Section 1: TITLE.

This Ordinance shall be known as the Monroe Charter Township "Noxious Weed and Grass Control Ordinance of 2016".

Section 2: REPEAL.

Ordinance No. 132 is repealed in its entirety.

Section 3: PURPOSE.

Consistent with the laws of the State of Michigan, it is the purpose of this Ordinance to destroy and eliminate the spread of noxious weeds and to control grass height throughout the Charter Township of Monroe, Monroe County, Michigan.

Section 4: DEFINITIONS.

(A) **Noxious Weeds:** As used in this Ordinance, "Noxious Weeds" means any of the following: **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 l.), Poison Ivy (Thus Toxicodendron), Poison Oak (Toxicodendron Pubescens) and Poison Sumac (Toxicodendron Vernix).**

(B) Nuisance Weeds and Grass: Any type of growth, brush, or plants that exist by reason of not being cut over a period of time and which are regarded as a common nuisance, including that which may have grown into trees or other types of plant life over the years, and any other types of weeds or grass as the terms are commonly used.

(C) Commissioner of Noxious Weeds: Designee appointed by the Monroe Charter Township Supervisor.

(D) Responsible Party: Owner, occupant, possessor, person, firm, corporation, lessee, representative or agent of a bank which owns or has legal right to foreclosed or otherwise unoccupied property, or other legal entity of property located in Monroe Charter Township in which this Ordinance applies or refers to.

Section 5: DUTY TO REMOVE NOXIOUS WEEDS OR NUISANCE WEEDS.

It shall be the duty of all Responsible Parties to remove,, cut, destroy or cause to be removed, all noxious weeds or nuisance weeds upon their property to prevent them from becoming seed bearing or spreading to adjoining property as needed during the usual growing season.

Section 6: DUTY TO CUT WEEDS AND GRASS.

It shall be the duty of all Responsible Parties to prevent weeds and grasses from growing in an excess of eight (8) inches in height. No weeds, grass, turf or lawn shall exceed eight (8) inches in length at any time.

Section 7: REMOVAL OF DEAD TREES, DISEASED TREES OR BRUSH.

It shall be the duty of all Responsible Parties to remove, destroy or cut or cause to be removed, all dead or diseased trees. No brush piles shall be kept for a period exceeding fourteen (14) days.

Section 8: EXCEPTIONS.

The provisions of this Ordinance shall apply to all lands within Monroe Charter Township except lands zoned agricultural and lawfully used for farming in a manner appropriate to such use, railroads and portions of land containing exempt vegetation, situated within Monroe Charter Township.

Section 9: COMMISSIONER OF NOXIOUS WEEDS DUTIES.

The Commissioner of Noxious Weeds shall diligently inquire concerning the introduction and existence of noxious weeds within Monroe Charter Township. If any are reported or found growing within Monroe Charter Township, he/she shall take charge of all such noxious weeds and take care that they do not go to seed or otherwise spread or become a detriment to the public health. He/she shall carefully seek and learn, as far as practical, the best methods of their destruction and shall persistently apply such remedies or treatments as best calculated to prevent their spread and ultimately to eradicate the same.

**Section 10: NOTIFICATION TO RESPONSIBLE PARTY
WITH NOXIOUS WEEDS OR NUISANCE GRASS**

The Responsible Party of the premises on which noxious weeds or nuisance weeds exist or grass, weeds, turf or lawn in excess of eight (8) inches, will be notified, if possible, in person by the Township Supervisor or Commissioners of Noxious Weeds. If the Responsible party is not available for personal notification, the Township Supervisor or Commissioner of Noxious Weeds shall authorize an independent contractor to enter upon the property to fully remove, eliminate and eradicate all noxious weeds or nuisance grass or cut any grass, turf or lawn that exceeds eight (8) inches in height from the

premises where the same are located. The independent contractor may be authorized upon the initial inspection. A written notice need not be sent to the Responsible Party and a personal notification need not take place prior to the authorization of an independent contractor being hired.

If the Responsible Party is available for personal notification, he/she shall fully remove, eliminate and eradicate all noxious weeds or nuisance grass or cut any grass, turf or lawn that exceeds eight (8) inches in height by the date set by the Township Supervisor or Commissioner of Noxious Weeds at the time of personal notification. If the Responsible Party fails to comply by the date set, the Township Supervisor or Commissioner of Noxious Weeds shall authorize an independent contractor to enter upon the property to fully remove, eliminate or eradicate all noxious weeds or nuisance grass or cut any grass, turf or lawn that exceeds eight (8) inches in height from the premises where the same are located. A second notice, written or personal, need not be given.

Section 11: FAILURE TO COMPLY.

If the Responsible Party fails to comply with the Ordinance and/or personal notification from the Township Supervisor or Commissioner of Noxious Weeds at any time, the Commissioner of Noxious Weeds shall cause such weeds and/or grass to be cut, destroyed and removed together with any grading necessary to allow the removal of same. A notice need not be given. Each parcel shall be assessed a one hundred dollar (\$100) investigative fee as well as the actual cost of cutting, removal, grading and/or destruction, plus a twenty percent (20%) administrative fee for supervision and administration. The total amount assessed, together with all charges and fees thereon

shall become a lien on the land assessed of the same character and effect as the lien created by general law for taxes, until paid. Monroe Charter Township may fully remove, eliminate or eradicate all noxious weeds or nuisance grass or cut any grass, turf or lawn that exceeds eight (8) inches from such premises as many times as is necessary to achieve compliance with this Ordinance and charge all costs and fees to the Responsible Party.

Section 12: ENFORCEMENT AND PENALTIES.

(A) The Township Supervisor or Commissioner of Noxious Weeds shall enforce this Ordinance.

(B) Any Responsible Party who refuses to destroy such noxious weeds or nuisance weeds or permits growth of grass, weeds, turf or lawn in an excess of eight (8) inches is in violation of this Ordinance and shall be subject to a fine of One Hundred Dollars (\$100) or by imprisonment in the county jail not to exceed ninety (90) days, or by both fine and imprisonment, at the discretion of the court. Each day that such violation exists shall constitute a separate offense and separate penalties, at the discretion of the court.

(C) If the Commissioner of Noxious Weeds or designee appointed by the Commissioner of Noxious Weeds must remove, eliminate or eradicate noxious weeds or nuisance weeds or cut any grass, turf or lawn that exceeds eight (8) inches on any property, the Responsible Party shall be subject to the fine(s) in Section 12(B) in addition to any costs associated with the removal as defined in Section 11 of this Ordinance.

Section 13: RIGHT OF ENTRY.

The Township Supervisor or Commissioner of Noxious Weeds or any person or persons appointed by the Township Supervisor or

Commissioner of Noxious Weeds are hereby empowered to enter upon any premises, property, lot or land in Monroe Charter Township for the purpose of removing, eliminating or eradicating any and all noxious weeds or nuisance grass/weeds or to cut any grass, turf or lawn that exceeds eight (8) inches. No person shall interfere with such person or persons while they are engaged in carrying out the provisions of this Ordinance.

Section 14: SEVERABILITY.

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of this Ordinance in the whole or any part thereof, other than the part so invalidated.

Section 15: EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after passage by the Monroe Charter Township Board and publication in a newspaper having general circulation in the Charter Township of Monroe, Monroe County, Michigan.

This Ordinance was enacted at a Regular Meeting of the Monroe Charter Township Board held on the 15th day of March, 2016, Five (5) Board members being present and Five (5) voting in favor thereof.

ATTESTED:



ALAN BARRON-Supervisor
Monroe Charter Township



BOB SCHNURR-Clerk
Monroe Charter Township