

**DOUGLASS TOWNSHIP
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO. 92-4**

At a regular meeting of the Township Board for Douglass Township held at the Township Offices on September 9th, 2017 the following ordinance was offered for adoption by Township Board Member Doug Poulsen and was seconded by Township Board Member Tom Jeppesen:

DOUGLASS TOWNSHIP NOXIOUS WEED ORDINANCE

An Ordinance to Provide Regulations for the Removal of Noxious Weeds
Within the Township of Douglass and to Provide Penalties for the
Violation Thereof.

THE TOWNSHIP OF DOUGLASS ORDAINS:

SECTION 1 PURPOSE

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 on lots with vacant or abandoned dwellings and principle buildings and in subdivided lands and neighborhoods to prevent blight and nuisance conditions within the township; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith. This Ordinance is intended to abate and eliminate situations where property is in a state of actual neglect and shows no distinct plan or pattern of upkeep or maintenance.

SECTION 2 DEFINITIONS

Noxious weeds: For the purpose of this act, "noxious weeds" shall include grass or weeds on or comprising the lawn or yard of parcel which exceed eight inches in height. Noxious weeds shall also 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 other similar plants at any location which in the opinion of the Township Board constitutes a common nuisance.

Abandoned Principle Building: Any building which has been used or was intended for use as a residential dwelling or other principle use as permitted by the Douglass Township Zoning Ordinance, in whole or part, which has become vacant or abandoned for a period of at least 60 consecutive days and which also meets at least one of the following conditions:

1. Is the subject of a foreclosure and has been re-possessed by the holder of the mortgage;
2. Is open to casual entry or trespass;
3. Is dangerous or dilapidated;
4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Township Building or Construction Code;
5. Has been secured or boarded up for at least 60 days;
6. Has taxes in arrears to the Township for a period of time exceeding 365 days;
7. Has utilities disconnected or not in use;
8. Is under a condemnation notice or legal order to vacate;
9. Is structurally unsound; or
10. Is a potential hazard or danger to persons.

Owner: Any person or entity with any legal or equitable ownership or possessory interest in the structure and/or building. The word "owner" shall also include a bank, credit union, or financial institution which is in possession (in whole or in part) of the structure and/or building.

SECTION 3 REGULATIONS

It shall be unlawful for the owner or occupant of an abandoned principle building to permit or maintain on any such premises noxious weeds as defined herein.

SECTION 4 Notice of Violation

In the event that a property owner fails to comply with this Ordinance, the Township is hereby authorized and empowered to notify the property owner of the violation and to direct the property owner to remove the noxious weeds. Such notice shall be sent by certified mail with return receipt request to the property owner and shall inform the property owner of the following:

- A. The nature of the violation.
- B. The time, in which the violation may be abated, which time shall not be less than five days, nor more than 10 days from the date of the notice.
- C. That the Township may act to abate the violation if it is not abated by the owner within the time allowed.
- D. That in the event the township abates the nuisance, the cost of abatement plus administrative fees shall be assessed as a lien against the property until paid.
- E. The refusal of the property owner to abate the nuisance or to allow the Township to abate a violation or nuisance shall result in prosecution.

The failure to receive such notice shall not be a defense to any action brought by a member of the public for injury or by the Township to collect the costs of abatement or impose penalties or other fees as authorized by this Ordinance.

SECTION 5 ABATEMENT

If the owner fails to remove the noxious weeds within 10 days of the date of receipt of such written notice the Township or its authorized contractors or other designee(s) is (are) authorized and empowered to enter the property to abate the nuisance or to provide and to make payment for the abatement of the nuisance maintained.

SECTION 6 CHARGE TO OWNER

When the Township abates a nuisance as provided hereunder, the cost of the abatement and the authorized administrative fee shall be billed to the property owner. The cost and fee shall be a debt of the property owner to the Township which may be assessed as a lien against the property, including interest therein, until paid, and enforced and collected in the same manner as ad valorem property taxes.

SECTION 7 ADMINISTRATIVE FEE

An administrative fee, set by Township resolution, shall be added to any costs charged by the Township to the property owner whenever the Township abates a nuisance under this Ordinance.

SECTION 8 ADMINISTRATION AND ENFORCEMENT

This ordinance shall be administered and enforced by the Township Zoning Administrator, the Township Building Inspector, the Township Ordinance Enforcement Officer, and/or such other Township official or agent as the Township Board may designate from time to time.

SECTION 9 VIOLATIONS AND PENALTIES

- A. A violation of this Ordinance is a municipal civil infraction subject to the provisions of the Douglass Township Civil Infraction Ordinance being the State of Michigan-Uniform Municipal Civil Infraction *Citation*-Douglass Township.
- B. In addition to the above-mentioned remedies, the Township is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in the Montcalm County Circuit Court.

SECTION 10 SEVERABILITY

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

SECTION 11 EFFECTIVE DATE

This ordinance shall take effect seven days following the publication of this Ordinance, or a summary thereof, as provided by law.

AYES: Doug Poulsen, Tom Jeppesen, Terry Andersen, Ronda Snyder, Amy Laper

Nays: 0

Absent:0

ORDINANCE DECLARED ADOPTED

Ronda L Snyder

Ronda Snyder, Township Clerk

STATE OF MICHIGAN)

)ss.

COUNTY OF MONTCALM)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of Douglass Township at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Ronda L Snyder

Ronda Snyder, Township Clerk