



**CHARTER TOWNSHIP OF TEXAS
ORDINANCE NO. 361
ORDINANCE TO CONTROL VEGETATION AND NOXIOUS WEEDS**

**Adopted:
Published:
Effective:**

Section 1. Chapter 10. Article VIII: Vegetation and Noxious Weed Control

Section 10.180 – Title.

This Article shall be hereby designated and referred to as the “Vegetation and Noxious Weed Control Ordinance.” Within the following text, it may be referred to as “this Article.”

Section 10.181 – Purpose.

It is the purpose of this Article to control noxious weeds and manage uncontrolled vegetation in the Township. There are reasonable expectations regarding the elimination of noxious weeds and the proper maintenance of turf grass, uncontrolled plant growth, uncultivated vegetation, and duff on any lot, building site, or parcel of land. It is in the public’s interests to provide standards regarding the maintenance of such vegetation which, if not met, can degrade the natural environment, threaten public health and safety, and negatively impact neighboring properties.

Section 10.182 – Definitions.

Destroy means the complete killing of weeds or the killing of weed plants above the surface of the ground by use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.

Duff means the accumulation of leaves and dead plant material on the ground.

Garden means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses, and ground cover in a defined location.

Lawn means ground (as around a house) covered with turf grasses and other plants that is traditionally cut or mowed.

Native Plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to the state of Michigan. Native plants do not include weeds.

Noxious Weed means any plant defined or listed as prohibited or restricted under the Michigan noxious weed laws, which include Noxious Weed, Public Act 359 of 1941 and Michigan Seed Law, Public Act 329 of 1965, and specifically include ragweed (*Ambrosia elatior* 1), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), nettle (*Urtica dioica*), bittersweet night shade (*Solanum dulcamara*).

Planned Native Landscaping means a planned, intentional, and maintained planting of native plants. Planned native landscaping does not include any species of turf grasses.

Property Owner means any person or entity with any ownership or possessory right or interest, including deed and land contract holders or mortgagees and any agent of the same.

Turf Grasses means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

Uncontrolled Plant Growth means any non-woody vegetation like grass, hay, weeds, brush, or other vegetation which has grown to a height of over eight inches or is vegetation that conceals rubbish or filthy deposits, constitutes a fire hazard, restricts vision at street intersections or driveways, or is otherwise regarded as contrary to the public's health, safety, and welfare. Uncontrolled plant growth does not include:

1. Gardens,
2. Plants located on agricultural land,
3. Plants located on an undeveloped natural parcel/lot, except as required in Section 10.184,
4. Plants located on shore land within 35 feet of the ordinary high-water mark,
5. Plants located within environmentally sensitive areas, or
6. Planned native landscaping that is wholly contained within the lot, building site, or parcel on which it is planted and maintained per Section 10.185.

Uncultivated Vegetation means vegetation not intentionally tilled, prepared or planted.

Undeveloped Natural Parcel/Lot/Building Site means property that has been unaffected by infrastructure or construction on at least 90 percent of the parcel/lot/building site.

Section 10.183 – Weed Commissioner.

- A. Appointment. The Ordinance Enforcement Officer of the Township shall be appointed to serve as the "Commissioner of Noxious Weeds" pursuant to 1941 PA 359, as

amended. The person appointed as Weed Commissioner will be reported to the State Department of Agricultural within 10 days of appointment per MCL 247.61.

- B. Annual Report. Per MCL 247.67, the Weed Commissioner will make a written annual report before the first day of December to the State Department of Agriculture and the Township Board.

Section 10.184 – Control and Management of Vegetation and Noxious Weeds.

- A. Responsibility. It shall be the responsibility of all property owners to:

- 1. Destroy all noxious weeds found on their land.
- 2. Cut and remove uncontrolled plant growth or uncultivated vegetation three feet from either the edge of the road pavement or back of the curb, or three feet from the back of the sidewalk, if present, and maintained so uncontrolled plant growth or uncultivated vegetation does not impede visual clearance of roadways.
- 3. Maintain lawn areas below a height of eight inches.
- 4. Manage duff and yard waste, particularly during the fall season (October through December), to minimize impacts, such as transference of leaves to neighboring properties and the attraction of pests.

- B. Neglect to Control or Manage. If a property owner neglects to control or manage vegetation and noxious weeds as required, the Ordinance Enforcement Officer shall:

- 1. Destroy or have destroyed the noxious weeds.
- 2. Cut and/or remove or cause the uncontrolled plant growth or uncultivated vegetation to be cut and/or removed.
- 3. Mow or cause the lawn to be mowed.
- 4. Remove or cause the removal of duff or yard waste.

- C. Exemption. Per MCL 247.64, these requirements only apply to land within a subdivision in which buildings have been erected on 60 percent of the lots.

- D. Notification. Property owners shall be notified of any violations related to this Article per the requirements described in Section 10.186: Enforcement Process.

- E. Costs. The cost to control or manage vegetation and noxious weeds shall be charged and assessed to the property owner as described in Section 10.187: Costs of Enforcement.

Section 10.185 - Planned Native Landscaping.

A. Objective. The Township recognizes that some property owners may wish to preserve or restore native plants and wildlife habitats, which can be economical, low-maintenance, and effective for water and soil conservation. While important to natural habitats, native plantings can appear unmanaged and/or uncontrolled in a residential setting. The following requirements are intended to allow planned native plantings while balancing the interests of neighboring property owners.

B. Requirements:

1. Turf grass is to be eliminated within planned native landscaped area of the property.
2. A front yard setback area of three feet from either the edge of the road pavement or the back of the curb, or back of the sidewalk, if present, shall include a 3-foot to 6-foot vertical area that is clear of plantings. The setback shall be regularly maintained to ensure visual clearance along the roadway. Side and rear yards shall be maintained so planned native landscaping does not encroach onto neighboring properties.
3. Planned native landscaping that utilizes fire for the control of duff management must follow the permitting requirements of the Township Fire Department.

C. Yard Maintenance. Planned native landscaping is not intended to allow a property owner to ignore established turf lawn care or other yard maintenance.

Section 10.186 – Enforcement Process.

A. Ordinance Enforcement Officer Responsibilities. The Ordinance Enforcement Officer shall be responsible for resolving concerns related to the control and management of vegetation and noxious weeds in violation of this Article and shall continually apply such remedies or treatments best calculated to prevent its spread and to eradicate the same.

B. Investigation Process:

1. Complainant. If a person or persons believes a violation of this Article exists, a complaint must be made with the Ordinance Enforcement Officer with the name

and address of complainant(s) given so a response can be provided. If the complainant(s) request(s) anonymity, their identity(ies) shall not be disclosed.

2. Investigation. If a complaint is submitted or the Ordinance Enforcement Officer, during the administration of regular duties, identifies a concern, the property in question shall be inspected.
3. Determination of Compliance for a Complaint. If the Ordinance Enforcement Officer determines the property meets the regulations and is not in violation of this Article, said Officer will notify the complainant(s) who will have the right to appeal the Officer's decision. In exercising the right to appeal, the complainant(s) forfeit(s) the right to remain anonymous.
4. Determination of Noncompliance. If the Ordinance Enforcement Officer determines the property does not meet the regulations of this Article and a violation exists, said Officer will notify the owner(s) of the property by first class mail with return receipt requested. If a complaint was filed, the complainant(s) will also be notified of the Ordinance Enforcement Officer's determination. The property owners will have 14 days to come into compliance with this Article. The notice shall describe the reasons for the violation, methods of treating and eradicating the vegetation and noxious weeds, a summary of the requirements of this Article and MCL 247.64, the penalties for failure to comply, and the right to appeal.

In the event the owner(s) cannot be established or notified as required, after due diligence to do so, substitute notice can be given by first class mail with return receipt requested to the occupants of the premises detailing the 14 days to come into compliance.

To facilitate the control or removal of vegetation and noxious weeds on a vacant, unoccupied property, a notice will be placed in a newspaper of general circulation during the month of March stating that noxious weeds may be cut by the Township and charged to the owner of the property if not removed by May 1 of that year. The Ordinance Enforcement Officer, or their agent will have uncontrolled vegetation and noxious weeds removed when the property owner of the vacant property cannot be determined or located. Such notice shall be deemed in compliance with the notice requirements of the Article.

5. Appeal. The complainants and/or property owner(s) will have 14 days from date of written notification, provided by first class mail, to appeal the Ordinance Enforcement Officer's decision to the Township Board.
6. Ongoing Violations. If the Ordinance Enforcement Officer is required to perform the enforcement process and have noxious weeds removed or vegetation

controlled for the same property more than twice between May 1st through December 31st, any subsequent enforcement actions will begin with the removal of noxious weeds and control of vegetation. No further notifications of violation will be provided. Notice will be given during the second enforcement process that further violations of this Article will result in immediate action by the Ordinance Enforcement Officer to remove noxious weeds and control vegetation.

C. Appeal Process:

1. Letter of Appeal. An appeal letter must be provided to the Township Board stating the reasons for the appeal. The letter shall be submitted to the Township Clerk who will schedule the appeal on the next available Township Board agenda, but not later than 21 days from appeal submission.
2. Public Hearing. The Township Board shall conduct a public hearing on the appeal and shall hear comments from the Ordinance Enforcement Officer, the applicant, and any interested parties before rendering an opinion as to whether the property in question is in violation of this Article.
3. Public Notice: A notice of the public hearing shall be sent by first class mail to the party(ies) involved at least five business days prior to the hearing, including the property owner and any complainant.
4. Determination: A determination resulting from the public hearing shall be sent to the party(ies) involved within 10 days of the decision. If it is determined that the property is in violation of this Article, the property owner must correct the violation within 14 days of the Township Board decision.

Section 10.187 – Costs of Enforcement.

- A. Expenses Incurred. If the violation is not resolved within the time periods specified herein, the Ordinance Enforcement Officer may enter upon such land of owner and destroy, cut, and/or remove the vegetation and growth thereon or cause the same to be destroyed, cut, and/or removed by such other person or agent appointed by the Officer. All expenses incurred shall be paid by the owner(s) of such land. In addition, an administration fee, the amount of which shall be determined by the Township Board from time to time by resolution, shall be paid by the owner(s) of such land.
- B. Expense Approval. Per MCL 247.65, the Ordinance Enforcement Officer shall not have the power to expend, in work or materials, more than \$25.00 on any one tract of property without the consent, in writing, of the Township Supervisor. The Ordinance Enforcement Officer will seek approval in the month of March for the maximum

allotment of expenditure on an annual basis per tract of property for each instance of required destruction, cutting, or removal of vegetation and noxious weeds.

- C. Lien. The Township shall have a lien upon land for expense and fee, for which the Township has entered upon to control or manage vegetation and noxious weeds. The lien shall be enforced in the manner provided by law for the enforcement of construction liens. In addition to the foregoing, the Township may bring an action in law or in equity against the owner(s) in any court of competent jurisdiction for the collection of said debt. This remedy shall be cumulative and not the exclusive remedy of the Township.

Section 10.188 - Violations and Penalties.

In addition to the expenses noted in Section 10.187, the refusal of an owner to comply with this Article shall constitute a municipal civil infraction. Upon determination of responsibility, the property owner, in addition to any other remedy (including injunctive relief), shall pay a fine according to the following schedule:

First Offense	\$100.00
Second Offense within 1 year of the first offense	\$200.00
Third offense within 1 year of the second offense	\$350.00
Fourth offense and each subsequent offense	\$500.00

Section 10.189 – Validity and Severability.

Should any section, clause, or provision of this Article be declared by the courts to be invalid, the same shall not affect the validity of the Article as a whole or any part thereof, other than the part so declared to be invalid.

Section 2. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Effective Date.

This ordinance shall take effect seven days after publication as provided by law.