

## ARTICLE II. - NOXIOUS WEED AND GRASS CONTROL

### Sec. 16-25. - Title.

This ordinance shall be known and referred to as the Berlin Charter Township Noxious Weed and Grass Control Ordinance.

(Ord. No. 1-12, § 1, 3-12-12)

### Sec. 16-26. - Definitions.

*Building official* shall mean the Berlin Charter Township Building Official, the township supervisor and/or their designee.

*Exempt vegetation* shall mean agricultural crops, cultivated trees, cultivated shrubs, flowers or other decorative ornamental plants under cultivation, wildflowers, vegetation in woodlands or wetlands, cultivated meadows and meadows and weeds in agricultural fields devoted to growing any small grain crop such as wheat, oats, barley or rye.

*Weeds and grass* shall include but not be limited to Canada thistle, doddars, milkweed, wild carrot, mustards, bindweed, perennial sow-thistle, hoary alyssum, ox-eye daisies, ragweed, goldenrod, burdock, poison ivy, poison sumac, 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.

(Ord. No. 1-12, § 2, 3-12-12)

### Sec. 16-27. - Duty to remove.

It shall be the duty of every person who owns and/or occupies parcels of land within Berlin Charter Township or lots which are within a platted subdivision in which buildings have been erected on sixty (60) percent of the lots, to cut to a height not to exceed six (6) inches (except agriculturally zoned lands which are not farmed which shall be cut to a height not to exceed ten (10) inches) for a depth of one hundred and sixty-five(165) feet or the depth of the lot whichever is less and to remove from said lands all such weeds and grass growing thereon.

(Ord. No. 1-12, § 3, 3-12-12)

### Sec. 16-28. - Newspaper notice.

The Berlin Charter Township Clerk shall, publish a notice at least once per year in a newspaper having general circulation in Berlin Charter Township during the month of March giving notice that weeds and grass not cut by May 1 of that year may be cut by the Township and the property owner charged with the cost. Said notice shall be substantially in the following form:

To property owners and occupants of lands situated in Berlin Charter Township, Monroe County, Michigan:

Notice is hereby given that all weeds and grass growing and brush on any lands, except as noted below, within the Charter Township of Berlin must be cut, to a height not to exceed six (6) inches (except agriculturally zoned lands which are not farmed which must be cut to a height not to exceed ten (10) inches), and removed to prevent such weeds and/or grass from going to seed or to blossom, from becoming a fire hazard, and/or from creating a condition detrimental to the health, safety, and welfare of the citizens of Berlin Charter Township.

The provisions of the article shall apply to all parcels of land in the Township except agricultural lands which are being lawfully used for farming in a manner appropriate to such use, parcels of land containing exempt vegetation, or railroads situated within Berlin Charter Township.

Failure to comply with this notice on or before May 1 shall make the property owner liable for the costs of cutting and removing said weeds, grass, and/or brush by Berlin Charter Township, said cost to be levied and collected against said lands in the same manner as other taxes are levied and collected, and being a lien against said lands. The Township may cut the weeds and grass as many times as is deemed necessary to achieve compliance with this article in the discretion of the building official and may charge the cost to the property owner.

(Ord. No. 1-12, § 4, 3-12-12)

Sec. 16-29. - Notice.

Upon complaint of a violation of the provisions of this article, it shall be the duty of the township building official to investigate such complaint and the premises complained of, and after such investigation, if the building official shall determine that the condition of the premises are in violation of this article, the building official shall issue a notice directed to the owner of the land upon which said violation is committed to the address shown on the records on file with the township, requiring compliance with the terms and conditions of this article within ten (10) days after delivery of such notice by mailing the notice by first class mail to such owner at his last known address as indicated by the latest township tax rolls.

(Ord. No. 1-12, § 5, 3-12-12)

Sec. 16-30. - Failure to comply.

If the owner of any land fails to comply with the order given as provided in this article within the ten (10) day time period, the building official shall cause such weeds and grass to be cut and removed together with any grading necessary to allow the removal of the same. The building official shall keep an accurate account of the expenses incurred in doing so with respect to each parcel entered upon therefore, and shall make a written statement of said account and deliver the same to the township treasurer. The actual cost of such cutting, removal, grading, and/or destruction, plus twenty percent (20) for supervision, administration, and overhead shall become a debt to the township from the owner of any such land, and the amount assessed, together with all charges thereon, and 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. The township may provide written notice of the sums owing to the property owner prior to placing the amount on the tax bill of the property owner. The township may cut the weeds and grass as many times as is necessary to achieve compliance with this article and charge the cost to the property owner without any notice required in addition to that previously provided in accordance with sections 16-28 and 16-29 above.

(Ord. No. 1-12, § 6, 3-12-12)

Sec. 16-31. - Exemption.

The provisions of the article shall apply to all land in the township except lands lawfully used for farming in a manner appropriate to such use, railroads, land areas within county drains which are cut or to be cut by another municipal agency and portions of land containing weeds, grass or other vegetation which is exempt pursuant to any other local state or federal law, situated within Berlin Charter Township.

(Ord. No. 1-12, § 7, 3-12-12)

Sec. 16-32. - Penalty.

In the event that the building official causes any such weeds and grass to be cut and removed and is paid for by the property owner as provided for in this article, such action shall be the sole remedy provided for in this article. However, in the event that a property is unable to be cut by the township for

the reason that is not accessible or other reason beyond the control of the township then violation of any of the provisions of this article, whether such person is the owner and/or occupant of said land or property, shall constitute a municipal civil infraction and subject the violator to a civil fine of one hundred (\$100.00) dollars. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 1-12, § 8, 3-12-12)