

TOWNSHIP OF FRASER BAY COUNTY, MICHIGAN

FRASER TOWNSHIP NOXIOUS WEED ORDINANCE # 93

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Fraser Township by the control and regulation of certain weeds and growth in subdivided lands and upon lands along improved roads/streets within the Township which has a premises located upon it; to provide penalties for the violation thereof and to repeal all Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF FRASER, BAY COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This Ordinance shall be known and cited as the Fraser Township Weed and Grass Ordinance.

Section 2: Definitions

For the purpose of this Ordinance, "weeds" shall include all noxious weeds that come under the provisions of the Noxious Weeds Act, Public Act; 359 of 1941, as amended (MCL 247.61, et seq.) and include all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 3: Responsibility

The owner of a premise or a parcel of land containing 2½ acres or less shall maintain the exterior of their property in compliance with the requirements of this Ordinance including owners of vacant premises. If the owner or agent having charge of a property fails to maintain the exterior of their property in compliance with the requirements of this Ordinance, a violation notice shall be issued. Upon failure of the owner or agent having charge of a property to meet the requirements of this Ordinance and after a notice of violation has been issued, the Township shall have the authority to have any duly authorized employee of the Township or contractor hired by the Township to enter upon the property in violation and cut the grass and weeds thereon, and said costs of such cutting shall be paid by the owner or agent responsible for the property.

Section 4: Regulations

- A. It shall be the duty of all property owners of land upon which weeds, as defined in this Ordinance, are growing, either:
1. Within platted subdivisions in which buildings have been erected upon sixty (60) percent or more of the lots, or
 2. On parcels of land with a premise or on land containing 2½ acres or less along improved roads/streets in common usage within the Township, to a depth of one hundred sixty feet (160) or the depth of ownership, whichever is the lesser, and
 3. The cutting of weeds and grass shall be required whenever weeds or grass exceeds a height of six (6) inches.
- B. Nothing in this Ordinance shall apply to weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, corn, rye or upon land without a premise that contains over 2½ acres of land.

Section 5: Violations

If any person, firm or corporation who fails to comply with any of the provisions of this Ordinance by the time specified in a notice of violation, the Township shall cause all such grass and weeds to be cut.

Section 6: Cost Assessment

If the Township shall cause the cutting of grass and weeds of any person, firm or corporation and said person, firm or corporation fails to pay the cost of grass and weed cutting, a copy of said costs incurred by the Township shall be transmitted to the Township Clerk. The Township Clerk shall add to all said accounts an administration fee which may be set and changed from time to time by resolution of the Township Board. Within thirty (30) days after receipt of said cost incurred the Township Clerk shall forward a statement of the total charges assessed against each parcel of land to the owner shown on the most recent tax roll. Said assessment shall be payable within thirty (30) days. If said assessment is not paid within thirty (30) days, the total amount of the assessment shall be placed on the tax roll. Said assessments on the Township tax roll shall be collected and paid in all respects as provided for the collection of taxes.

7: Penalties

In cases where in the Township enforces its ordinances against a person or business, the Township shall be entitled to actual fees and court costs against the party or parties violating the Township ordinances. The Township shall be entitled to a Judgment lien against the real estate involved for its attorney fees and costs.

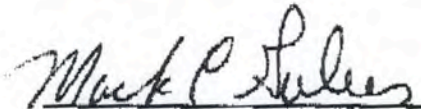
Violation of this Ordinance shall not constitute a criminal offense.

Section 8: Severance Clause

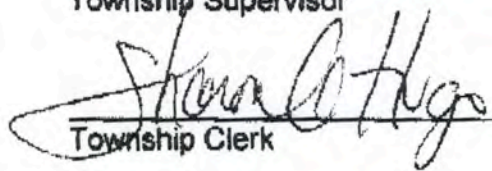
This Ordinance repeals all Ordinances or parts of Ordinances in conflict therewith. Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part so declared to be unconstitutional or invalid.

Section 9: Effective Date

The undersigned Clerk of the Township of Fraser hereby certifies that this Ordinance amendment was adopted by the Fraser Township Board at a meeting held on the 11th day of July 2016 and was published in the Pineconing Journal on the 20th day of July 2016. This Ordinance becomes effective thirty (30) days after publication.



Township Supervisor



Township Clerk

**Amendment to the Noxious Weed Ordinance #93
Fraser Township
Bay County, Michigan**

An amendment to the Noxious Weed Ordinance of Fraser Township by Amending Section 4, 3 to read as follows:

Section 4. REGULATIONS

3. The cutting of weeds and grass shall be required whenever weeds or grass exceeds a height of six (6) inches.

Repeal of Conflicting Ordinances

All Township Ordinances in conflict herewith, both in whole or in part, shall be and are hereby repealed.

Effective Date

This amendatory Ordinance shall become effective seven (7) days after publication as required by law.

Publication

This Ordinance shall be published in a newspaper of general circulation within the Township of Fraser as required by law.

Adopted at a regular scheduled meeting of the Township Board of the Township of Fraser, held at the Township Hall, on the 11th day of July, 2016.

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Certification

I do hereby certify that the foregoing is a true and correct amendment to the Noxious Weed Ordinance adopted by the Township Board of Fraser Township of Bay County and the State of Michigan, at a regular scheduled meeting of said Board, held at the Township Hall, on the July 11, 2016.

Sharon A. Hugo
Township Clerk