

ENVIRONMENTAL PROTECTION

74.000 NOXIOUS WEED CONTROL ORDINANCE ORDINANCE NO. 159

Adopted: February 8, 1999
Effective: February 18, 1999

An Ordinance adopted pursuant to 1941 PA 359, as amended, and Act 359 of 1947, as amended, to secure the public health, safety and welfare, by the control, regulation and/or eradication of certain vegetative growth, and to allow for a range of planned landscaping styles (from formal to natural). This Ordinance is further to provide penalties for the violation hereof.

A. Title

This Ordinance shall be known and cited as the Cooper Charter Township Noxious Weed Control Ordinance.

B. Definitions

For the purpose of this Ordinance, “noxious weeds” shall 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*), poison ivy (*Rhus Toxicodendron*), poison sumac (*Toxicodendron Vernix*), and such other uncontrolled plant or plant growth over 8” in height, which is out of character with the development of and landscaping in the neighborhood and contrary to the public health, safety or welfare thereof. (*Amended by Ordinance No. 195*)

C. Commissioner

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.

D. Regulations (*amended: Ord. No. 209-Sections 1, 2 & 4c*)

1. It shall be the duty of all owners of land upon which undesirable vegetation is growing to prevent undesirable vegetation from becoming a detriment to public health, safety, and welfare and to destroy the same where necessary to fulfill this duty. “Undesirable vegetation” is defined as including “noxious weeds” as defined in this Ordinance.

2. It shall be the duty of all owners of the following described lands upon which undesirable vegetation exists, which is contrary to the public health, safety, and welfare by contributing to the spreading thereof, to comply with the provisions of subsection 1 of this section:
 - a. Land which is both: (1) zoned in other than an "AG" Agricultural zoning district classification and (2) located within 165 feet of an improved public or private street in the Township, or
 - b. Lands within platted subdivisions in which buildings have been erected upon 60% or more of the lots thereof; or
 - c. Lands within condominium subdivisions in which buildings have been erected upon 60% or more of the units thereof.
3. The Ordinance Enforcement Officer shall inspect all properties within the Township for compliance with the Ordinance and shall otherwise diligently enquire concerning the introduction, existence, and growth of undesirable vegetation in the Township in violation of this Ordinance. If any undesirable vegetation is found growing therein he/she shall take charge of all such growing and take care that it does not go to seed or otherwise spread, or become a detriment to the public health, and he/she shall carefully seek and learn, so far as practicable, the best methods of its destruction, and he/she shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent its spread and to eradicate the same.
4. If a person or persons believe a violation of this Ordinance exists, the following steps may be taken:
 - a. A complaint must be made with the Ordinance Enforcement Officer, appointed by the Township Board pursuant to 1941 PA 359 with name and address of complainant(s) given so a response can be made to them. If the complainants(s) request(s) anonymity, his/her identity(ies) shall not be disclosed by the Ordinance Enforcement Officer.
 - b. The Ordinance Enforcement Officer shall inspect the disputed property.
 - c. If the Ordinance Enforcement Officer determines the disputed property meets the regulations and is not in violation of this Ordinance, said officer will notify the complainant(s) in person or in writing.
 - d. If the Ordinance Enforcement Officer determines the disputed property does not meet the regulations of this Ordinance and a violation exists, said Officer will notify the owner(s) or occupant(s) of the property by posting a notice of violation at the property or by Certified Mail/Return Receipt Requested.

- e. The owner(s) or occupant(s) will have ten (10) days from receipt of notification to comply with the Ordinance after which the Ordinance Enforcement Officer may authorize entry upon such land of owner and destroy or cut the vegetation and growth thereon or cause the same to be destroyed or cut by such other person or agent appointed by the Township. All expenses incurred in such destruction or cutting shall be paid by the owner(s) of such land. Additionally, an administration fee, as set forth in the Township Fee Schedule, which from time to time by may be adjusted by the Township Board, shall be paid by the owner(s) of such land. The township shall have a lien upon such land for such expenses and fee, which may be enforced in the same manner as the enforcement of tax liens through entry upon the next tax roll of the Township and assessment as a general Township tax. Such expenses shall be subject to all interest and penalties provided for tax due and collectible within the Township under the general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner(s) in an appropriate court of law for the collection of said debt.
5. Nothing in the Ordinance shall apply to vegetation in fields devoted to growing any small grain crop such as wheat, oats, barley or rye.
6. This Ordinance shall not prohibit naturally landscaped areas within the restricted areas provided a "land management plan" is submitted and approved by the Noxious Weed Control Officer. A land management plan shall be defined as a written plan along with drawings (scale 1/4":1') of the lot relating to management of a naturalized area and which contains a legal description; a statement of intent and purpose; and a general description of the vegetation, plants and plant succession involved and the specific management and maintenance techniques to be employed. The plan must explain the owner(s) intentions to cultivate vegetation or leave uncultivated vegetation in its natural state and include provisions for maintaining areas at driveways and intersections so that the motorist's vision is not obstructed.

E. Penalties

Refusal by an owner to destroy undesirable vegetation as provided in this Ordinance shall constitute a municipal civil infraction, and said owner shall be subject to a fine as indicated by the Municipal Civil Infraction Ordinance (Section 4.000) and when collected shall become a part of the "Noxious Weed Control Fund" of the Township.

F. Validity

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

G. Effective date and repeal

This Ordinance took effect on February 18, 1999. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 195, Eff. 01/22/2004]

[Amended by Ord. No. 209, Eff. 30 days after publication]