

TOWNSHIP OF RICHFIELD
TALL GRASS AND WEED ORDINANCE No. 59

An ordinance to secure the public health, safety and welfare of the residents and property owners, by the control and regulation of the height of tall grass and weeds in subdivided lands and upon lands along improved streets within the township; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF RICHFIELD
ROSCOMMON COUNTY, MICHIGAN ORDAINS:

SECTION 1. Title and Applicable Seasons.

This ordinance shall be known and cited as the Richfield Township Tall Grass and Weed Ordinance, and shall be applicable and in full force and effect from May 1st through October 31st of each year.

SECTION 2. Purpose

The Township hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of Richfield Township by regulating the height grass and weeds is allowed to grow in certain areas of the township in which more people reside in close proximity.

SECTION 3. Definitions

- A. Grass:** any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats or barley. Not to include any ornamental grasses or shrubs.
- B. Weeds:** “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 alyssurn (*Berteroa incana*), ragweed (*ambrosia elatior 1*) and poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or other plant, any of which is in the opinion of the Township Board, comes under the provisions of the Noxious Weeds Act, Public Act 359 of 1941, as amended (MCL 247.61, et seg.), including grass over eight (8) inches in height, other than that part of a vegetable or flower garden, is regarded as a common nuisance.
- C. Owner:** any person holding an ownership interest in land in the Township of Richfield upon which there is tall grass growing. For the purposes of this Ordinance, the name and address listed on the Township tax assessment roll shall indicate ownership interest in such land.

- D. Occupant:** any person who has the right to occupy a parcel of property due to being an owner or pursuant to a verbal or written lease or rental agreement with the owner or agent thereof
- E. Land Used for Agriculture:** the use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

SECTION 4. Land Subject to Regulations

A. This ordinance applies to the following:

1. Anything that is Commercial or Business as so defined in the DDA District Boundaries.
2. Lots in a platted subdivision with a structure.
3. Vacant lots within platted residential subdivisions in which buildings have been erected upon 60 percent or more of the lots, or
4. On parcels of land along improved streets in common usage within the township, to a depth of one hundred sixty five (165) feet or the depth of the ownership, whichever is the lesser.

B. This ordinance does not apply to:

1. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, corn, hay, rye or pasture land.
2. Portions of lots used for flower gardens, ornamental grass, shrubbery, or vegetable gardens.
3. Naturally wooded areas, meadows, regulated wetlands, or native plants controlling shoreline erosion.
4. Areas validated as undeveloped open space.

SECTION 5. Duty to Cut Grass

The owner and/or occupants of land to which this ordinance applies shall not allow tall grass or weeds to grow over ten inches (10”) in height throughout the growing season, including grass and weeds in the right-of-way, and it shall be the duty of all owners and/or occupants of land located in Richfield Township either to cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this ordinance, which are growing upon said property, before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.

SECTION 6. Unlawful Acts

It shall be unlawful for the owner and/or occupant of any lot or parcel of land to which this ordinance applies to allow or maintain upon any portion of such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Growth of grass to a length greater than ten (10) inches shall be considered to be a nuisance for the purposes of this section.

SECTION 7. Enforcement

- A. Enforcement Officer.** This Ordinance shall be enforced by such persons who shall be so designated by the Township Board, who shall for purposes of this ordinance be the Richfield Township Ordinance Enforcement Officer (OEO).
- B. Right of Entry.** The Ordinance enforcement officer is hereby empowered to enter with due and just cause upon any land in Richfield Township for the purpose of inspecting, removing of and/or destroying of tall grass and weeds prohibited under this ordinance. No person shall molest or interfere with such person or person while they are engaged in carrying out the provisions of this ordinance.
- C. Violation Notice.** After inspection, if any property is determined to be in violation of this ordinance, a dated Violation Notice will be sent to the property owner and/or occupant of said premises in which the name appears in the last local assessment record of the Township. The notice shall be sent by mail to the owner of the property. The notice shall give the property owner Fifteen (15) days from the date stated on the notice to cut the tall grass and weeds.
- D. Failure to Comply.** If the tall grass and weeds are not cut within the fifteen (15) days per Section 7-C the OEO shall have the authority to enter upon the land and/or to cause the lawn to be mowed by an authorized representative who is hereby empowered to enter upon any premises or land in Richfield Township for the purpose of mowing tall grass and weeds in violation of this ordinance even if the property owner and/or occupant failed to actually receive said notice. The Township of Richfield, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc., during the mowing of property in violation of this ordinance.
- E. Assessment of costs and Penalties.** All expenses of such cutting, to include equipment usage, transportation, man-hours involved, and overhead, including any and all cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of this Ordinance shall be paid by the owners of such land plus an administrative charge of Fifty dollars (\$50.00) ~~fifteen (15%) percent~~, thereof per residential parcel, per cutting. After having a lot mowed, as determined by the Township Board, the Township shall then submit a bill to the property owner for the cost of the mowing. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, plus an additional delinquency fee of 10% per month until paid.

SECTION 8. Declaration of Nuisance

Any violation of any provision of this Ordinance is hereby declared to be a nuisance and the Township may seek enforcement of the Ordinance by suit for injunction, damages, or other appropriate legal action, as against a nuisance, at the expense of the property owner under MCL 600.2940(3), including reasonable attorney fees. Any such civil action shall be in addition to any prosecution for violations of this Ordinance as a Civil Infraction, Commencement of any such proceedings shall not constitute an election of remedies.

SECTION 9. Severability

The several provisions of this ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

SECTION 10. Repealer Clause

Any and all Richfield Township ordinances, resolutions, or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11. Saving Clause

That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 12. Effective Date

This ordinance shall take effect immediately after its enactment and shall be published within 30 days after adoption.

Enacted at a regular meeting of Richfield Township Board held on the ___ day of _____ 2014.

James VanWormer, Supervisor

Pamela Scott, Clerk

As Amended September 18, 2018 by the Richfield Township Board