

## **Chapter 62 VEGETATION\***

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**\*Cross references:** Offenses and miscellaneous provisions, ch. 38.

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### **ARTICLE I. IN GENERAL**

**Secs. 62-1--62-25. Reserved.**

### **ARTICLE II. CONTROL OF WEEDS AND PLANT GROWTH**

#### **Sec. 62-26. Appointment of commissioner.**

The township board shall appoint a competent person to be the commissioner of noxious weeds as provided in Public Acts of Michigan 1941, No. 359 (MCL 247.61 et seq.), as amended, who shall have the powers and duties as set forth in the Act, in addition to those as set forth in the article.

(Ord. No. 147, Art. VI, § 1, 7-11-88; Ord. of 8-26-96)

#### **Sec. 62-27. Duty of landowners to destroy weeds and excess plant growth.**

- (a) It shall be the duty of all owners of lands hereinafter identified on which weeds are found growing, to destroy the same before they reach a seed bearing stage, and to prevent such weeds from perpetuating themselves, or to prevent noxious weeds from becoming a detriment to public health. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Land subject to these provisions are:
- (1) Subdivided land in a subdivision in the township in which buildings have been erected on 50 percent of the lots in that subdivision; or
  - (2) Lots or parcels along improved streets in common usage for a depth of 165 feet or the depth of the lots or parcels whichever is the lesser, provided further, that there

are three or more principal buildings located on said street within 300 feet lineal measured distance, including said lot or parcel.

- (b) It shall be the duty of all owners of lands to maintain parkway areas abutting the owned land, including cutting grass or lawn areas located therein. Parkway areas shall be defined as areas between sidewalks and the street curb or street pavement and any unpaved road right-of-way abutting the owned land.

(Ord. No. 147, Art. VI, § 2, 7-11-88; Ord. of 8-26-96)

**Sec. 62-28. Duties of commissioner.**

- (a) The commissioner shall notify by certified mail, with return receipt requested, the owner, agent, or occupant of land on which noxious weeds and plant growth are found growing and the owner, agent or occupant of any lands abutting parkways which have not been maintained. Where applicable such notice shall describe methods of treating and eradicating such noxious weeds and plant growth and a summary of the provisions of this ordinance. Failure of the commissioner to give the notice does not, however, constitute a defense to an action to enforce the payment of a fine provided for or debt created under this act.
- (b) In the event the owner, agent, or occupant has failed, after ten days notice as provided herein, to destroy such weeds and plant growth or to maintain the abutting parkway, the commissioner or their agent authorized by the township may enter upon the lot and destroy noxious weeds and plant growth by cutting or take such steps as may be necessary to maintain the abutting parkway. Mechanical equipment that will not damage the property or the adjacent sidewalk may be used to cut the noxious weeds. Expenses incurred in the destruction or in parkway maintenance shall be paid by the owner of the lot.
- (c) An owner, agent or occupant who refuses to destroy noxious weeds as provided for in this chapter shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each day that a violation continues shall be deemed a separate offense.
- (d) The township shall have a lien upon the lot for the amount of such expenses. The lien shall be enforced in the manner prescribed by the laws of the state providing for the enforcement of tax liens.

(Ord. No. 147, Art. VI, § 3, 7-11-88; Ord. of 8-26-96; Ord. No. 2000-03, 8-28-2000)

**Sec. 62-29. Lands not affected by this article.**

This chapter does not apply to weeds in fields devoted to growing any small grain crops such as wheat, oats, barley or rye.

(Ord. No. 147, Art. VI, § 4, 7-11-88; Ord. of 8-26-96)