

PART 254 – NOXIOUS WEED CONTROL (FORMERLY ORD 05-03)**254.001 Definitions**

For the purposes of this Ordinance, “noxious weeds” or “weeds” shall be defined as uncontrolled plant or growth over 12 inches 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.

254.002 Regulations

- A. It shall be the duty of all owners of land upon which any weeds are growing, as defined in this Ordinance, to prevent the same from becoming a detriment to public health and to destroy the same where necessary to fulfill this duty.
- B. It shall be the duty of all owners of the following described lands upon which uncontrolled plants or growth exists, in excess of 12 inches in height, which is out of character with the development of and landscaping in the neighborhood in which it is located and contrary to the public health, safety or welfare by contributing to the spreading thereof, to keep said plant growth cut to a height of not to exceed 12 inches.
 1. Lands within platted subdivision in which buildings have been erected upon 60% or more of the lots thereof.
- C. Parcels or lots shall be exempt from the above-mentioned 12-inch height limitation provided said parcel or lots are naturally wooded and have plant growth consistent with the general character of the plant growth and landscaping in the surrounding neighborhood in which such parcels or lots are located.
- D. Nothing in this Ordinance shall apply to weeds in fields devoted to growing any small grain or food crop such as wheat, corn, oats, barley or rye.
- E. The Ordinance Enforcement Officer appointed by the Township Board to enforce this Ordinance shall inspect properties within the Township upon complaint and shall notify the owner of any lands which are not in compliance with this Ordinance of the violation thereof by Certified Mail with return receipt requested and the duty to cut such weeds. If such owner shall neglect or refuse to comply with said notice within 10 days from the receipt thereof, said Ordinance Enforcement Officer may enter upon such land of owner and or cut the weeds and growth thereon or cause the same to be cut by such other person or agent appointed by the Ordinance Enforcement Officer.

All expenses incurred in cutting shall be paid by the owner or owners of such land. The Township shall have a lien upon such land for such expense, 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 expense shall be subject to all interest and penalties provided for taxes due and collectable within the Township under the

general tax laws of the State of Michigan. In addition to the foregoing, the Township may sue the owner or owners in an appropriate court of law for the collection of said debt.

- F. In the event the owner or owners cannot be determined or notified as herein provided, after due diligence to do so, substitute notice can be given to the occupants of the premises or, in the event of vacant, unoccupied land, by publication in the newspaper of general circulation within the Township, once, at least 10 days prior to cutting of the weeds by the Township Ordinance Enforcement Officer or agent, and such latter notice shall be deemed compliance with the notice requirements of this Ordinance.

254.003 Penalties

- A. Violation. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
	Fine	Fine
-1st Offense within 3-year period*	\$75.00	\$500.00
-2nd Offense within 3-year period*	\$150.00	\$500.00
-3rd Offense within 3-year period*	\$300.00	\$500.00
-4th or More Offense within 3-year period*	\$500.00	\$500.00

The above fine, when collected shall be paid to the Supervisor of Allegan Township and shall become a part of the “Noxious Weed Control Fund” of the Township of Allegan. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Allegan Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00, nor more than \$500.00, be ordered. The foregoing sanctions shall be in addition to the right of the Township to proceed to enforce its lien against the land in question or to proceed in any other appropriate manner to recover its costs incurred in cutting of the weeds upon the property of any owner.

- C. Remedial Action. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

254.004 Severability

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.

254.005 Effective Date and Repeal of Conflicting Ordinances

This Ordinance shall become effective January 4, 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.