

**REPUBLIC TOWNSHIP ORDINANCE
MARQUETTE COUNTY, MICHIGAN**

TALL GRASS AND WEED ORDINANCE

ORDINANCE NO. 2019 - 4

An ordinance to secure the public health, safety and welfare of the residents and property owners by controlling the height of grasses and weeds on properties located within Republic Township; to set forth the duty of land owner to cut grasses and weeds; to establish recovery of costs by Republic Township; and to provide penalties for the violation of said Ordinance, and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP OF REPUBLIC, COUNTY OF MARQUETTE, ORDAINS:

SECTION 1. Title

This ordinance shall be known and cited as the “Republic Township Tall Grass and Weed Ordinance”.

SECTION 2. Detrimental Growth

The accumulation or growth upon any property in the R-1 & R-2 Zoning Districts of Republic Township of weeds, grass, brush, dead, dangerous, diseased or insect-infested trees or other rank, noxious, poisonous or otherwise harmful vegetation to a height greater than eight (8) inches, is determined to be detrimental to the health, comfort, safety and welfare of the inhabitants of the Township, is hereby deemed to be a nuisance.

Exceptions:

- a) An undeveloped lot in which no building has been erected.
- b) Land being actively used for agricultural purposes.
- c) Portions of lots used for flower gardens, shrubbery, vegetable gardens, greenbelts, and natural waterfront shoreline.
- d) Naturally wooded areas, regulated wetlands or meadows.
- e) Areas designated as undeveloped open space.
- f) Areas greater in a depth from the street of one hundred sixty five (165) feet or the depth of the ownership, whichever is the lesser.

SECTION 3. Control Required

It shall be unlawful for any person having ownership or other interest in or control of lands to permit the occurrence thereon as set forth in Section 2, and it shall be the duty of all such persons to prevent the occurrence and to abate, destroy and/or remove those things described in Section 2 which have been defined as a nuisance. For the purposes of this division, the property lying between the outermost edge of the street right-of-way and the street curb, or the drainage course paralleling the street where there is no curb, shall be deemed to be the responsibility of the person responsible hereunder for the property abutting the street right-of-way; provided, however, that such person shall not be responsible for dead, dangerous, diseased or insect infested trees located on the right-of-way.

SECTION 4. Enforcement

The Republic Township Ordinance Enforcement Officer is hereby authorized to cause the abatement of the nuisance defined in Section 2, in accordance with procedures set forth in this division and applicable laws.

SECTION 5. Notice Ordering Abatement of Nuisance

The Township Board in abating the nuisance defined in Section 2 shall cause periodic inspections to be made of those lands included in the definition contained in Section 2. When it is found that the lands have thereon a nuisance as defined in Section 2, those persons having ownership or other interest in, or custody of the lands, as disclosed by the records of the county register of deeds, shall be notified by certified or registered mail, addressed to the last known address of the defined persons concerned with such lands, as contained in the records of the Township treasurer's office or as contained in written instructions from the person pertaining to the requirements or enforcement of this division. The notice shall set forth the description of the land or lands found to be containing violations of this division, the nature of the violations, the corrective action to be taken, and the time by which the corrections are to be completed, which time shall not be less than fifteen (15) days from the date of mailing the notice. The notice shall further advise the person of the provisions contained in this division for the city to abate the nuisance and that the cost thereof will be charged to the person connected with the land or assessed thereon.

SECTION 6. Abatement by Township upon Failure of Owner; Expense Records

If any person having the duty, through connection with land as set forth in this division, to abate the nuisance as set forth in Sections 2 and 3, shall fail or refuse to eliminate the defined nuisance after the notice procedures as contained in this division have been carried out, then the Township Board shall cause the nuisance to be abated. All of the costs incurred in the abatement of the nuisance shall be the expense of the person responsible for the land, as set forth in this division, and the Township department undertaking the abatement process under this division shall keep records of all expenses related to the abatement, with costs assigned to each parcel of land or lot or property description and the person responsible therefor.

SECTION 7. Assessment of Costs

All costs in connection with cutting, removing, destroying, eliminating or abating the nuisance as defined in Section 2 shall be a lien upon the land where the nuisance shall have been caused by the Township to be destroyed, cut, eliminated, removed or abated, and all the costs of the abatement remaining unpaid on September 15 following the abatement, the unpaid amount shall be certified to the Township Treasurer, who shall forthwith report the amount and the owners of the lands delinquent in the payment of the same to the Township Board. The Township Board shall cause an assessment roll to be prepared by the assessor in the same manner as other special assessments are made under the Charter of the Township. The charges for the abatement of the nuisance shall become a lien upon the lands.

SECTION 8. Penalty

Any person defined in Section 3, to whom a notice was sent pursuant to the provisions of Section 5, who shall fail or refuse to abate, destroy or remove the nuisance as provided in Section 5, on conviction thereof, shall be punished as provided by the MUNICIPAL CIVIL INFRACTION ORDINANCE.

SECTION 9. Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 10. Repeal

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11. Effective Date and Adoption

This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

This Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Republic Township Board at a regular meeting held at the Republic Township Hall on _____, 20____, at _____ p.m., pursuant to the required statutory notice and procedures.

Published _____

Marilyn Brancheau, Republic Township Clerk