

**Coldwater Township
Branch County, Michigan
Ordinance No. 17-1
Grass and Weed Ordinance**

An Ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Coldwater, Branch County, Michigan, by the control and regulation of certain weeds, grasses, and uncultivated vegetation in subdivided lands and 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 Coldwater, Branch County, Michigan, Ordains:

SECTION 1: Definition.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Grasses and uncultivated vegetation mean all grasses, annual plants and vegetation except trees, shrubs, bushes, wildflowers, cultivated flowers, ground cover plants, or gardens.

Improved property means a lot located within a recorded plat or any other property, whether residential, commercial, business, or industrial, on which a building, structure or other improvement is present, or a lot which is adjacent to any lot on which a building, structure, or other improvement is present. Any lawn consisting principally of grass which abuts a residence, a place of business or commerce, or an industry on a platted lot or property shall constitute an improvement.

Noxious weeds means, 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*), giant hogweed (*Heracleum mantegazzianum*), ragweed (*Ambrosia elatior* L.), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), and other plants which in the opinion of the township is regarded as a common nuisance.

SECTION 2: Regulations.

(A). It shall be the duty of all owners of land:

1. On which noxious weeds are found to destroy such weeds before they reach a seed bearing stage and prevent their regrowth; and

2. To cut grasses and uncultivated vegetation on improved property with such frequency as shall be necessary to prevent the growths from exceeding a height to 12 inches.

(b) If the owner or occupant of land neglects, fails or refuses to destroy noxious weeds or cause them to be destroyed, or neglects, fails or refuses to cut or cause to be cut as necessary grasses and uncultivated vegetation on improved property so as to prevent the height of such growths from exceeding a height of 12 inches, then any duly authorized official, inspector, or other agent of the township, or any independent contractor engaged by the township to perform such work, may enter upon the property and destroy any noxious weeds by cutting or other lawful means, or to cut grasses and uncultivated vegetation on any improved property, with or without mechanical equipment.

SECTION 3: Exemptions.

Exemptions from the provisions of this Ordinance are flower gardens, plots of shrubbery, vegetable gardens, small grain plots and other agricultural lands and areas that are best maintained in the natural setting. An exemption under the terms of this Section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exemption categories.

SECTION 4: Sanctions.

In addition to any other civil penalties or remedies provide for in this Ordinance or under Michigan law, and person, firm, association, partnership, corporation or governmental entity who fails or refuses to comply with this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by civil fine in accordance with the following schedule:

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

*The 3-year period shall be determined based on the date of commission of the offense.

In addition, to the foregoing sanctions, any violator shall pay cost which the Township has incurred in connection with the prosecution of the municipal civil infraction and which may include all expenses both direct and indirect. In no case, however, shall cost of less than \$9.00 nor more than \$500.00 be ordered. In addition to the foregoing sanctions, the Township shall have the right to initiate and pursue in any court of competent jurisdiction proceedings for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with the Township Zoning Ordinance. Initiating proceedings under one of the foregoing remedies shall not preclude initiating proceedings under a separate remedy. Each day that a civil infraction exists shall constitute a separate violation.

SECTION 5: Severability.

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provisions is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, is shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 6: Repeal.

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: Effective Date.

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

Trustee Daniels moved supported by Clerk Morrison to adopt the Grass and Weed Ordinance.

Roll Call:	<u>Yeas</u>	<u>Nays</u>	<u>Absent</u>
Treasurer Sowles	X		
Trustee Daniels	X		
Trustee Kellogg	X		
Clerk Morrison	X		
Supervisor Rogers	X		

The Supervisor declared this resolution adopted.



Diane Morrison
Coldwater Township Clerk