

**TOWNSHIP OF FRANKLIN  
LENAWEE COUNTY, MICHIGAN**

**ORDINANCE NO: 13-3**

**ADOPTED: April 9, 2013**

**EFFECTIVE DATE: May 13, 2013 (30 Days after Publication)**

**GRASS, NOXIOUS WEEDS AND VEGETATION ORDINANCE**

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

**Section 1: Title**

This ordinance shall be known and cited as the Franklin Township Grass, Noxious Weeds and Vegetation Ordinance.

**Section 2: Definitions**

For the purpose of this ordinance, “weeds” shall include but not be limited to Canada thistle (*Cirsium arvense*), dodder (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*), ragweed (*Ambrosia elatior* 1) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plants that in the opinion of the township Board, come under the provisions of the Noxious Weeds Act, Public Act 359 of 1941, as amended (MCL 247.61, et seq.), which shall be regarded as a common nuisance.

**Section 3: Purpose**

Each property owner within the Township shall be responsible for cutting their grass regularly, cutting and destroying weeds, tall grass and any other noxious vegetation growing or situated within regulated or controlled areas within Franklin Township.

**Section 4: Applicability**

It shall be the duty of all owners of land:

1. Within developed and/or improved residentially zoned districts

2. Within commercial or industrial zoned districts along improved streets to a depth of 150 feet provided such parcels contain a building or structure

to cut or destroy said grass, noxious weed or other vegetation prior to their reaching a height of twelve (12) inches, and as often as needed to prevent them from going to a seed-bearing stage.

#### **Section 5: Administration and Enforcement**

Franklin Township shall give written notice to the owner of any property deemed to be in violation hereof by first class mail at the address taken from the tax rolls. Such owner shall be given notice and shall have fifteen (15) days from and after such notice to cut destroy or remove the grass or noxious weeds or vegetation from the property. In the event the owner does not cut, destroy or remove the grass and noxious weeds or vegetation on the property within the fifteen (15) days as required, the Township may enter such premises and cut, destroy or remove such grass and noxious weeds or vegetation. This notice shall suffice as notice for the entire growing season. In the event said grass and noxious vegetation is again allowed to grow to a height of twelve (12) inches or more, the township shall have the right to remove said vegetation without additional notification.

#### **Section 6: Exception**

This ordinance does not apply and shall not be enforceable on land that is zoned AG – Agriculture and/or is an agricultural use.

#### **Section 7: Failure to Comply**

In the event the Township is required to cut and remove the noxious vegetation from any property, as provided by the preceding Sections, the Township shall thereafter bill the owner of such property for the expense of cutting, destroying or removing such grass, noxious weeds or vegetation. In addition an administrative fee, set by the Board, will be added to the cutting expense bill and become a part of the cutting expense.

In the event the property owner does not pay the Township the expense of cutting, destroying or removing the grass and noxious weeds or vegetation, after being billed therefore, the expense of such cutting and destroying or removing shall be added to the tax bill attributed to such property and become a lien against the property, and shall be collected in a like manner as taxes are collected.

#### **Section 8: Penalty**

A violation of this Ordinance constitutes a municipal civil infraction. Any person, who violates, disobeys, omits, neglects, or refuses to comply with any provision of this ordinance, or any amendment thereof, shall be responsible for a Civil Infraction. The civil fine for a Municipal Civil Infraction shall be as established by the Franklin Township Board of Trustees. Each day during which any violation continues shall be deemed a separate offense.

#### **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: Effective Date**

This ordinance shall take effect 30 days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Franklin Township.

A motion that said Grass, Noxious Weeds and Vegetation Ordinance be enacted was made by Dan VanValkenbrg and supported by Sue Whitehead at a regular meeting of the Franklin Township board on April 9, 2013. The names of the Township Board members and their votes are as follows:

|                    |            |
|--------------------|------------|
| Robert Platt       | <u>yes</u> |
| Susan Whitehead    | <u>yes</u> |
| Terri Moore        | <u>yes</u> |
| Dan Van Valkenburg | <u>yes</u> |
| Mike Kelley        | <u>yes</u> |

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Franklin Township Board of Trustees at a meeting held on April 9, 2013, the original is on file in the Township office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

\_\_\_\_\_  
Susan Whitehead  
Franklin Township Clerk

\_\_\_\_\_  
Date

Ordinance declared adopted on April 9, 2013