

Sec. 68-31. Definitions. [Ord. No. 114, §§ 1, 2, eff. 4-10-1998; Ord. No. 114-01, § 1(1.1), 2-3-2003]

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:

LAND — Includes any and all land within the Charter Township of Chesterfield. For the purposes of this article, active farmland and regulated wetlands shall be exempt from the provisions of this article.

NOXIOUS WEEDS — Includes 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*), ragweed (*Ambrosia elatior* 1) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant which in the opinion of the township board is regarded as a common nuisance.

OWNER, AGENT or OCCUPANT — A titleholder, whether or not of record, a land contract purchaser, a lessee, a licensee, an adverse possessor or one entitled to use or possess the land by easement, written agreement or otherwise.

VACANT LAND — Includes all subdivided land listed as vacant on the township tax rolls.

Sec. 68-32. Allowing growth of weeds; unlawful. [Ord. No. 114, § 3, eff. 4-10-1998; Ord. No. 114-01, § 1(1.2), 2-3-2003]

It shall be unlawful for the owner, agent or occupant of any subdivided lot or land either public or private, within the township to allow or maintain on such land for a depth of 60 feet or the depth of the land, whichever is less, noxious weed growth. Further, it shall be unlawful for the owner, agent or occupant of any land to allow or permit noxious weed growth within 60 feet of any structure or storage area. The owner, agent or occupant shall keep the land free of all noxious weeds, destroy any such weeds before they reach a seed-bearing stage and prevent such weeds from perpetuating themselves or becoming a detriment to the public health.

Sec. 68-33. Height limitations; distance from building. [Ord. No. 114, § 4, eff. 4-10-1998; Ord. No. 114-01, § 1(1.3), 2-3-2003]

It shall be unlawful for the owner, agent or occupant of any land, either public or private, within the township to allow or permit grass or noxious weeds of any kind to grow upon any such land to a height of more than eight inches from the ground. It shall be unlawful for the owner, agent or occupant of any land to allow or permit noxious weeds of any kind to grow upon any such land within a distance of 60 feet from any existing building on the property of another. It shall be unlawful to permit the growth of shrubs, wild bushes or brush on any property in the township to a height or density which might

constitute a traffic or fire hazard. The obligation of the owner, agent or occupant of any land in the township to cut, remove or destroy any grass, weeds, shrubs, bushes or brush shall extend to the center of the road frontage on the property of such owner, agent or occupant.

Sec. 68-34. Weed Commissioner. [Ord. No. 114, § 5, eff. 4-10-1998; Ord. No. 114-2001, § 1(1.4), 2-3-2003]

- (a) Appointment. Pursuant to authority granted by Act No. 359 of the Public Acts of Michigan of 1941 (MCL 247.61 et seq., MSA 9.631(1) et seq.) as amended, there is hereby created the office of the township commissioner of noxious weeds. The township board shall by resolution appoint a competent person to act in such capacity who shall take the oath required of township officers and shall hold office for a term of two years and until a successor is appointed and qualified, and he/she shall receive for his/her compensation such sum as may be fixed by the township board.
- (b) Removal. The township board may, after notice, hearing and good cause shown, remove such commissioner from office and appoint his/her successor to serve the remaining portion of his/her term.
- (c) Duties. The commissioner of noxious weeds shall diligently inquire concerning the introduction and existence of noxious weeds in the township. If any are found growing therein upon any land, he/she shall take charge of all such growing and take care that they do not go to seed or otherwise spread or become a detriment to the public health. He/she shall carefully seek and learn, so far as practicable, the best methods of their destruction, and shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the weeds.

Sec. 68-35. Penalty. [Ord. No. 114, § 6, eff. 4-10-1998]

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the provisions of section 1-11. Each day that such violation is permitted to exist shall constitute a separate offense.

Sec. 68-36. Noxious weeds; removal by township. [Ord. No. 114, § 7, eff. 4-10-1998; Ord. No. 114-01, §§ 1(1.5, 1.6), 2-3-2003]

- (a) In the event the owner, agent or occupant of any subdivided land in any subdivision in which buildings have been erected on 60% of the lots included in that subdivision, or the owner, agent or occupant of lots along an improved street in common usage, has failed, after notice as provided herein, to destroy the noxious weeds, then the enforcement officer, weed commissioner or other person appointed by resolution by the township board shall enter upon the premises in order to cut, remove or destroy such weeds, for a depth of 165 feet or the depth of the lots, whichever is the lesser.

- (b) Specific authority is granted to the enforcement officer or any other person appointed by the township board to enter upon any premises in the township after May 1 of each year to cut or otherwise remove any grass or noxious weeds described in subsection (a) of this section.
- (c) Any and changes set forth in this article may be changed by resolution of the Township Board of Trustees. Such resolution shall be posted in the office of the Township Clerk and on the Township's website within seven days of the adoption by the Board. **[Amended 6-2-2014 by Ord. No. 144]**
- (d) Where grass or noxious weeds are sought to be removed by the township in a manner other than that set forth in subsections (a)—(c) of this section, prior to entry upon the premises by the township, written notice shall be sent by certified mail, return receipt requested, to the owners, agents, and/or occupants of any lots or lands upon which such noxious weeds or grass are found to be grown. Such notice shall be mailed to the lot or property in question and also to the property owner at the address listed on the township tax rolls. The notice shall include a demand to remove or destroy the noxious weeds or grass present on the property within five days after receipt of such notice and the failure to perform such work in the time stated shall result in entry upon the premises by the enforcement officer or other persons so appointed by the township board to perform such work charging the cost thereof to the property owners. The charges are to be assessed pursuant to subsection (e) of this section.
- (e) Where grass and/or weeds are cut or removed by the township in the manner set forth in subsections (a)—(d) of this section, and charged to the property owner in such a manner as set forth in this section, such fees shall be adopted by resolution of the township board. Performance of such work by the township under this section shall not relieve the property owner of the prosecution or penalties prescribed in section 68-35 of this article.
- (f) The commissioner of noxious weeds shall publish a notice two times in a newspaper of general circulation in the township, the county and on the township website during the month of March that noxious weeds not cut by May 1 of that year will be cut by the township and the owner of the property will be charged with the cost.

Sec. 68-37. Collection of expenses. [Ord. No. 114, § 8, eff. 4-10-1998]

The full amount of any charges assessed pursuant to section 68-36(e) of this article with respect to each lot or parcel of land upon which grass or noxious weeds have been cut or removed pursuant to this article, shall be a lien upon the land for the amount of the expense. The lien shall be enforced by the manner provided by law for the enforcement of construction liens and/or in the same manner as prescribed by law for the enforcement of tax liens.

Sec. 68-38. Annual report. [Ord. No. 114, § 9, eff. 4-10-1998]

The commissioner shall annually, before December 1, make a written report to the township board, which report shall contain all pertinent information with reference to the existence and growth of noxious weeds within the township.