

ORDINANCE NO. 172

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS, BY THE CONTROL AND REGULATION OF CERTAIN WEEDS AND GROWTH IN SUBDIVIDED LANDS AND UPON LANDS ALONG IMPROVED STREETS WITHIN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS IN CONFLICT THEREWITH.

THE TOWNSHIP OF KIMBALL ORDAINS:

SECTION 1. TITLE

This ordinance shall be known and cited as the Kimball Township Weed Ordinance.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, "weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elaior 1*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant that in the opinion of the Township Board, coming under the provisions of the Noxious Weed Act, Public Act 359 of 1941, as amended (MCL 247.61, et seq.), is regarded as a common nuisance.

"Weeds" shall also include any accumulation of dead weeds, grass or brush.

SECTION 3. REGULATIONS

It shall be the duty of all owners of land upon which weeds, as defined in this ordinance, are growing, either:

1. Within platted subdivisions in R-1, R-2, R-3, Condominium sites and in all Commercial zones in which buildings have been erected upon 60% or more of the lots. To destroy said weeds before they reach ten (10) inches in height and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health. In addition to any other remedy provided in this section, the violation of the terms of this Ordinance shall constitute a public nuisance per se. Nothing in this Ordinance shall apply to weeds in fields devoted to growing hay and any small grain crops such as wheat, oats, barley or rye.

SECTION 4. ENFORCEMENT

It shall be the duty of the Township ordinance enforcement officer or his or her designee to enforce this Ordinance. He or she shall serve, or cause to be served, either by first class mail or by posting a notice in a conspicuous place on the premises, a written notice

upon the owner or occupant of any premises on which weeds, grasses or plants are permitted to grow in violation of the provisions of this Ordinance and to demand the abatement of the nuisance within ten (10) days. If the owner or occupant does not abate the nuisance within ten (10) days, the ordinance enforcement officer or his or her designee may, at his or her option, proceed to abate such weeds or retain the services of a contracted lawn service to abate such weeds. The ordinance enforcement officer shall keep an accurate account of all expense incurred in destroying growths of weeds with respect to each parcel of land entered upon and shall make a sworn statement of said account and deliver the same to the Clerk.

The Township Clerk shall prepare an invoice for the costs associated with destroying growths of weeds with respect to each parcel of land entered upon and shall, via first class mail, send the invoice to the person in whose name the parcel appears on the last local tax assessment records of the Township.

SECTION 5. DUTY TO REMOVE

The removal of weeds is hereby made the duty of the owner of land or any person or persons, firm or corporation having charge of any lands within the Township of Kimball upon which weeds are growing.

SECTION 6. DUTY TO GIVE NOTICE

The Township ordinance enforcement officer shall give notice to every owner of land and to every person or persons, firm or corporation having charge of any land in the Township of Kimball wherein weeds are growing, to cut and destroy the same.

SECTION 7. PENALTIES

All penalties and violations shall be handled in accordance with the Civil Infraction Ordinance.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be effective 30 days after publication of this Ordinance.

CERTIFICATION

I, Joyce Shaffer, Clerk of the Township of Kimball, do hereby certify that this is a true and correct copy of Ordinance No. 172 as presently amended and effective.

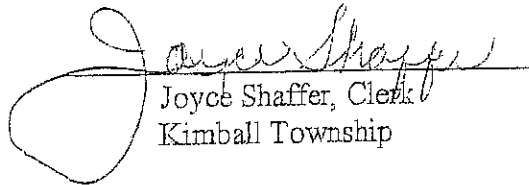
Vote on this Ordinance, 6 members being present was as follows:

AYES: Shaffer, Dease, Riehl, Jackson, Usakowski, Barrett

NAYS: None

ABSENT: Hyde

I, further certify that said Ordinance No. 172 adopted by the Kimball Township Board on the 21st day of April, 2009, was published once in the Times Herald, a paper published in the County of St. Clair and circulated in the Township of Kimball, on May 8, 2009.


Joyce Shaffer, Clerk
Kimball Township