

TOWNSHIP OF HARING
COUNTY OF WEXFORD, STATE OF MICHIGAN
TOWNSHIP ORDINANCE NO. 2016-102

CHARTER TOWNSHIP OF HARING GRASS, WEED, BRUSH AND VEGETATION ORDINANCE

An Ordinance to secure the public health, safety and welfare of the residents and property owners, by the control and regulation of certain grass, weeds, brush, and vegetation growth along improved streets and roads within the Township; and to provide the Township the authority to effect such maintenance at the expense of the property owner.

It is hereby ordained by the Charter Township of Haring, Wexford County, Michigan

Section 1. – TITLE

This ordinance shall be known and cited as the Charter Township of Haring Grass, Weed, Brush and Vegetation Ordinance.

Section 2 – APPLICATION

- A. This Ordinance applies to all vacant or developed properties zoned for any type of commercial, industrial, or light industrial use in Haring Township located west of the US 131 expressway and North of Thirteenth Street.
- B. The property owner shall be required to maintain any parcel which is the subject of this ordinance to a depth of two-hundred (200) feet from the above road frontage, as measured from traveled roadway edge.
- C. This Ordinance is intended to abate and eliminate situations where property is in state of neglect and shows no distinct plan or pattern of upkeep or maintenance.

Section 3 – REGULATIONS

- A. Grass, weeds, brush and/or vegetation in excess of ten (10) inches in height shall be deemed a nuisance per se on such parcels. For the purpose of this ordinance, “weeds” shall include, but not be limited to, plants coming under the provisions of the Noxious Weeds Act, Public Act 359 of 1941, as amended (MCL 247.61, et seq.).
- B. No owner shall permit any growth, whether wild or planted at any location obstructing or interfering with the clear view of a roadway or street intersection.
- C. Nothing in this ordinance shall apply to weeds in fields devoted to growing any grain crops or pasture land.
- D. Exemptions. The following are exempt from the provisions of this Ordinance:
 - 1. Flowers, ornamental trees/plants and vegetables under cultivation.
 - 2. Vegetation within established wetlands, defined by Part 303 of the Michigan Natural Resources and Environmental Protection Act, 1994, PA 451, as amended, and trees greater than 3 inches across at their base.

3. Any property, or portions thereof, determined by the Township Board to be located such that noncompliance with the provisions of this Ordinance does not represent a detriment or hazard to adjoining properties as a result of the potential spread of weeds, fire hazard, aesthetic concerns or other such matters.
- E. The Township Board shall have the authority to grant exemptions and/or hear appeals of administrative actions, in accordance with the following procedures:
1. A property owner may request an exemption at any time. The Township shall notify the enforcement officer within 48 hours of receipt of a request for exemption or appeal. Enforcement action shall be suspended once an appeal is filed and shall be recommenced within 48 hours of a decision by the Township Board, unless an exemption or reversal is granted. An exemption, if granted, shall be effective for the remainder of that current growing season.
 2. A request for an exemption and/or appeal shall be submitted with an accompanying site plan and application fee of \$200 before a public hearing is scheduled. Once the Township Clerk receives a completed application, a meeting of the Township Board of Trustee shall be scheduled within 2 weeks.
 3. A decision from the Township Board regarding an appeal shall be considered the final administrative decision from the Township.

Section 4 – DUTY TO CUT

It shall be the duty of all owners of parcels to cut and maintain any grass, weeds and/or brush on said parcels to a height no greater than ten (10) inches.

Section 5 – VIOLATION AND PENALTIES

- A. The Township, through its ordinance enforcement officer, shall notify by first class mail the owner of a parcel that is in violation of this ordinance and shall instruct the owner to bring the parcel into compliance within ten (10) days. Such notice shall be in writing, addressed to the property owner appearing on the latest ad valorem property tax assessment roll, and shall inform the property owner:
1. The nature of the violation;
 2. The time in which the violation must be abated, which shall be no longer than 10 days from the date the notice is received by the property owner;
 3. That the Township may act, at its option, to abate the violation if it is not abated within the time allowed;
 4. That failure of the property owner to abate the violation may also result in prosecution and/or abatement by the Township.
 5. That if the Township abates the violation, the cost of the abatement, plus an administrative fee of \$50 shall be assessed as a lien against the property until paid.

- B. If the owner does not abate the violation within the 10 day period, the owner shall be found responsible for a municipal civil infraction, which upon admission or adjudication of responsibility thereon, shall pay a civil fine for each infraction of not less than \$50.00 nor greater than \$500.00, plus costs, damages, expenses and other sanctions as authorized under Public Acts No. 12, 13, and 14 of 1994, as amended and other applicable laws. Each day that there is a violation of this Ordinance shall constitute a separate offense. In addition, the Township may act, at its option, to abate the violation any violation that is not abated within the time frame prescribed.
- C. If the owner refuses to comply with the provisions of this Ordinance, the Township, or its authorized designee, is authorized and empowered to enter the property to abate the violation and require payment for the abatement of the violation. The owner shall remain responsible for the Township's abatement, if an exemption is not applied for before the abatement is commenced.

Section 6 – ABATEMENT BY THE TOWNSHIP

- A. If any property owner shall fail to comply with the provisions of this Ordinance within the time specified, the Township may, at its option, cause all violations to be cut or destroyed upon the parcel, and the cost thereof, including the cleanup of trash and/or debris necessary to prevent damage to lawn equipment, as well as resulting damages to equipment resulting in mowing debris that remains on the lot shall be assessed against the property as a special assessment and shall be collected in the same manner as ad valorem property taxes. Liens shall be reported not later than November 1 to the Township Treasurer for inclusion on the December 1 property tax statements.
- B. The fact that the Township abates the violation and the cost thereof is charged to and/or is paid by the property owner shall not excuse the property owner from responsibility of the violation, and said violation is still punishable as provided for herein.
- C. The Charter Township of Haring shall not be held liable for damage done to property or vegetation in the event the Township is forced to enforce this Ordinance.

Section 7 – SEVERABILITY The provisions of this ordinance are hereby declared to be severable, and should any provision, sanction or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

Section 8. – REPEAL CLAUSE

All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 9. – EFFECTIVE DATE

This ordinance shall take effect on and be in force seven (7) days after its publication.

(A certified, signed copy is available at <http://www.twpofharing.org/Planningamp;Zoning.aspx>)