

ORDINANCE NO. 41  
WEED AND GRASS CONTROL ORDINANCE  
CHARTER TOWNSHIP OF AUSABLE  
Effective September 20, 1985

An Ordinance to secure the public health, safety and welfare of the residents and property owners of the Charter Township of AuSable, County of Iosco and State of Michigan, by the control and regulation of certain weeds and grass growth in subdivided Lands and upon Lands along improved streets within the Township; to establish duties of owners and occupants to remove certain weeds and grass growth; to provide a method for a Township removal of same upon the refusal of the property owner to do so; to provide a method for collection of costs of removal of same; to provide penalties for the violation hereof; and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE CHARTER TOWNSHIP OF AUSABLE ORDAINS:**

**SECTION I. TITLE**

This Ordinance shall be known and cited as the Charter Township of AuSable Weed and Grass Ordinance.

**SECTION II. DEFINITIONS**

- (A) For the purpose of this Ordinance, "weeds" shall include 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* L.) and poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*)
- (B) For the purpose of this Ordinance, "grass" shall include all varieties of lawn grasses.

**SECTION III. REGULATIONS**

- (A) 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 which buildings have been erected upon 60% or more of the lots thereof, or (2) on parcels of land along improved streets in common usage within the Township, to a depth of 165 feet or the depth of the ownership, as appears on the tax records of the Charter Township of AuSable, whichever is the lesser, to destroy said weeds before they reach a seed bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.
- (B) It shall be the duty of all owners of land upon which grass or lawns, as defined in this Ordinance, are growing, either (1) within platted subdivisions in which buildings have been erected upon 60% or more of the lots thereof or (2) on parcels of land along improved streets in common usage within the township, to a depth of 165 feet or the depth of the ownership as appears on the tax records of the Charter Township of AuSable, whichever is the lesser, to prevent said grasses from reaching the height of 12 inches, and to cut, trim or mow said grass so that it does not exceed the height of 12 inches.

(C) The Township Supervisor, or his duly authorized representative is hereby authorized to give written notice by personal service or by certified mail to the owner as appears on the current tax rolls of the Charter Township of AuSable of any premises whereon, weeds and/or grass as described in this Ordinance, are growing or remaining in violation of the provisions of this Ordinance, directing and requiring such owner' to remove, trim, or cut said weeds and/or grass to conform with the requirements of this Ordinance within 72 hours of service or receipt of such notice.

(D) In case any person shall neglect, fail or refuse to comply with the notice provided in Section III (C) within the period of time stated therein, the Charter Township of AuSable may cause such weeds or other vegetation in violation of this Ordinance to be removed, trimmed or cut and recover the cost thereof plus 15% from the owner of the premises as appears on the latest tax roll of the Charter Township of AuSable.

(E) Charges for such abatement as provided in Section III (I) shall be a lien on the premises. The owner or party in interest in whose name the property appears on the last tax roll shall be notified of the amount of such costs by first class mail at the address shown on the records, whenever a bill for such charges remains unpaid for 30 days after the mailing, the Township Treasurer shall add the same to the next tax roll of the Township and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township.

#### **SECTION IV. VIOLATION A NUSIANCE**

It is hereby declared to be a nuisance and unlawful to plant or permit the growth of weeds as defined in this Ordinance, or to permit grasses to exceed the height of 12 inches, as defined in this Ordinance.

#### **SECTION V. PENALTILIES**

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$100.00 and costs of prosecution for every such offense, and in default of payment of such fine and costs, to undergo imprisonment in the Iosco County Jail for a period not exceeding 90 days and/or a fine of \$100.00 and 90 days. Each day that a violation shall continue to exist shall constitute a separate offense.

#### **SECTION V. VALIDITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, section, subsection, paragraph or sentence is declared to be void or inoperable for any reason, the remaining provisions, paragraphs, words, sections and chapters, shall not be affected and shall continue in full force and effect.

All Ordinance or parts of Ordinances in conflict with this Ordinance are hereby repealed.

#### **SECTION VII. EFFECTIVE DATE**

This Ordinance shall take effect 30 days after publication.

Dale Lamrock

Della Schweickert

Dale Lamrock, Supervisor

Della Schweickert, Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 41 duly adopted by the Charter Township of AuSable at a Regular Meeting of the Township Board held on September 20, 1985, and that public notice of said meeting was given pursuant to Act No. 267 of the Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen hours prior to the time set for the meeting.

I further certify that Member Eileen Hall Ruedisueli moved adoption of said Ordinance and that Member Karen Ruedisueli supported said motion.

I further certify that the following members voted for adoption of said Ordinance: Dale Lamrock, Della Schweickert, Karen Ruedisueli and that the following members voted against adoption of said Ordinance:

None.

I further certify that the said Ordinance has been recorded in the Ordinance Book of the Charter Township of AuSable and that such recording has been authenticated by the signatures of the Supervisor and Township Clerk.

This Ordinance may be purchased or inspected at the Township Clerk's Office at the Township Hall, 311 Fifth Street, Oscoda, Michigan 48750 between 9:00 a.m. and 5:00 p.m. Monday through Friday.

TOWNSHIP of AuSable

Dated: September 20, 1985

Dale Lamrock

By: Dale Lamrock

Its: Supervisor

Dated: September 20, 1985

Della Schweickert

By: Della Schweickert

Its: Clerk