

PUBLIC NOTICE  
CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY, MICHIGAN  
ORDINANCE NO. 103-16

AN ORDINANCE TO AMEND AND RESTATE THE NOXIOUS WEED ORDINANCE, SECTIONS 19-36 THROUGH 19-43 OF THE CODE OF ORDINANCES; TO REQUIRE PROPERTY OWNERS AND OCCUPANTS TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO AUTHORIZE THE TOWNSHIP TO CONTROL NOXIOUS WEEDS AND OTHER VEGETATION; TO CHARGE THE COSTS TO THE OWNER OR OCCUPANT; AND, TO ASSESS THE COSTS TO BE COLLECTED WITH THE AD VALOREM PROPERTY TAXES

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

Sections 19-36 through 19-43 of the Code of Ordinances are amended by deletion of the existing language, which is replaced in its entirety, as follows:

19-36. Definitions. The following words, terms and phrases shall have the meanings stated below, except where the context clearly indicates a different meaning and, unless otherwise indicated, reference to Ordinance means Sections 19-36 through 19-43 of the Code of Ordinances:

“Noxious Weeds” Noxious weeds means the species of plants identified in MCL 247.62 and any other species of vegetation determined by the Township as constituting a common nuisance.

“Season” Season means, in each calendar year, March 1 through September 30.

“Uncontrolled Vegetation” means:

- (i) any growth whether naturally occurring or intentionally planted which restricts or interferes with the view of any motorist of oncoming motor vehicle or pedestrian traffic in either direction at an intersecting public street or road when the motorist is within 50 feet of the edge of the main traveled portion of intersecting road or street;
- (ii) any growth whether naturally occurring or intentionally planted growing in or in proximity to any ditch, drain, culvert or other drainage feature, which impedes drainage or impairs the maintenance of the ditch, drain culvert or other drainage feature.
- (iii) any growth of noxious weeds or grasses or a combination thereof whether naturally occurring or intentionally planted in any front, side or rear yard of any residential property which exceeds a height of 10 inches or more, if such growth occurs within 150 feet from nearest edge of

the road right-of-way on which the property fronts.

(iv) the accumulation of brush, dead weeds, grass or vegetation, except in the rear yard, to be composted or otherwise properly disposed of.

19-37. Responsibility of Owner and Occupant. No person owning any lands or premises, whether occupied or unoccupied, nor any person occupying any lands or premises, shall permit or maintain on any such lands or premises, any growth of noxious weeds, nor shall the owner or occupant maintain or allow any uncontrolled vegetation on the lands or premises. It shall be the duty of the owner or occupant of all lands and premises along any public street or road or improved street in common usage to cut and remove all noxious weeds and uncontrolled vegetation no later than May 1 of each year and thereafter as may be necessary.

19-38. Notice Requirements.

(i) In the month of March, each year, the Township clerk shall publish a notice in a newspaper of general circulation in the township stating that noxious weeds, weeds and uncontrolled vegetation which are not cut by May 1, may be cut by the Township and the costs charged to the occupant and/or owner and, if not paid, the costs shall be collected and enforced in the same manner as a property tax lien.

(ii) In the event the Code Enforcement Officer or other authorized representative of the Township determines a property is in violation of this Ordinance, notice of the violation shall be sent to the owner of the property, as identified in the Township's tax records. The notice shall be sent by first-class mail setting forth the violation, requiring the owner or occupant to correct the violation within 10 days of the date of the notice, stating if the violation is not corrected within 10 days, the Township may correct the violation and assess costs as provided in this Ordinance. The notice shall state the date of the notice, the property address, the name of the owner as identified from Township tax records, the specific violation and what must be done to correct the violation. Noxious weeds shall be destroyed or removed; uncontrolled vegetation shall be mowed to a height not exceeding 4 inches; and, other uncontrolled vegetation shall be trimmed or removed so as not to interfere with vision at intersecting roads or with the proper drainage or maintenance of ditches, drain culverts or other drainage features.

(iii) It shall not be necessary to send more than one notice, per property, per season; the Township may address subsequent violations of this Ordinance, involving the same property, without providing additional notice.

(iv) Any occupant or property owner who disagrees with the determination of the Code Enforcement Officer and wishes to challenge the asserted violation of this Ordinance must come to the township office and speak with the Code Enforcement Officer within 10 days of the date of the notice of violation.

19-39. If any person fails to comply with a notice of violation, the Township may cause the

noxious weeds or uncontrolled vegetation to be mowed or otherwise removed or destroyed. Independent contractors at the direction of the Code Enforcement Officer or Township employees shall have full authority to enter onto the property for purposes of mowing, destroying or otherwise removing noxious weeds and uncontrolled vegetation. If necessary to protect equipment or to enable uniform cutting, rocks, debris and other objects may be moved on the property or removed altogether. The Township may remove and dispose of any mowed grass or weeds, branches or brush and the cost of such disposal shall be included in the total costs charged to the occupant and/or owner.

19-40. Costs. The Township shall keep an account of all expenses incurred with respect to each property entered upon in order to carry out the provisions of this Ordinance. If the work is performed by an independent contractor, Township shall require a written statement of account or invoice for each property. If the work is performed by Township employees, the cost shall be calculated based on the employee time spent, calculated at the employee's hourly rate together with fringe benefits together with a reasonable rate for equipment usage and supplies.

19-41. Collection of Costs. The cost as set forth in section 19-40 shall be invoiced to the occupant and property owner within five days of receipt of the invoice from the independent contractor or within five days of completion of the work if performed by Township employees. Any invoices attributable to a property throughout a season, which are not paid by September 30, shall be turned over to the Township assessor by October 15, to be included as part of the winter ad valorem property tax bill for that year.

19-42. Unless otherwise indicated by resolution of the Board of Trustees, authority to enforce this Ordinance shall rest with the Township's Code Enforcement Officer or the Township's Police Department. Violation of this ordinance shall be a municipal civil infraction, subject to a civil fine not to exceed \$100.

19-43. This ordinance shall be immediately effective upon publication.

Adopted the 14th day of July, 2016, by vote of the Charter Township of Flushing Board of Trustees.

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Maryion T. Lee, Acting Superintendent

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Julia A. Morford, Township Clerk

First reading held on Thursday, July 14, 2016 at 7:00 p.m. at the regular scheduled meeting of the Board of Trustees of the Charter Township of Flushing.

Second reading held on Thursday, August 11, 2016 at 7:00 p.m. at the regular scheduled meeting of the Board of Trustees of the Charter Township of Flushing.

The 2022 codification process has changed the referenced sections in the Code of Ordinances from 19-36 through 19-43 to sections 17-36 through 17-42.

## Chapter 17 Vegetation

### Article 1 In General

Secs. 17-1 - 17-25. Reserved.

### Article 2 Weeds

#### Division 1 Generally

Secs. 17-26 - 17-35. Reserved.

#### Division 2 Noxious Weeds

##### **Sec. 17-36. Definitions.**

The following words, terms and phrases shall have the meanings stated below, except where the context clearly indicates a different meaning and, unless otherwise indicated, reference to Ordinance means Sections 19-36 through 19-43 of the Code of Ordinances:

*Noxious Weeds means the species of plants identified in MCL 247.62 and any other species of vegetation determined by the Township as constituting a common nuisance.*

*Season means, in each calendar year, March 1 through September 30.*

*Uncontrolled Vegetation means:*

- (A) any growth whether naturally occurring or intentionally planted which restricts or interferes with the view of any motorist of oncoming motor vehicle or pedestrian traffic in either direction at an intersecting public street or road when the motorist is within 50 feet of the edge of the main traveled portion of intersecting road or street;
- (B) any growth whether naturally occurring or intentionally planted growing in or in proximity to any ditch, drain, culvert or other drainage feature, which impedes drainage or impairs the maintenance of the ditch, drain culvert or other drainage feature.
- (C) any growth of noxious weeds or grasses or a combination thereof whether naturally occurring or intentionally planted in any front, side or rear yard of any residential property which exceeds a height of 10 inches or more, if such growth occurs within 150 feet from nearest edge of the road right-of-way on which the property fronts.
- (D) the accumulation of brush, dead weeds, grass or vegetation, except in the rear yard, to be composted or otherwise properly disposed of.

(Ord. No. 25, § 1, 3-8-73; Ord. No. 72-03, §§ 2, 7, 11-13-03; Ord. No. 103-16 8-11-2016)

##### **Sec. 17-37. Responsibility of owner and occupant.**

- (A) No person owning any lands or premises, whether occupied or unoccupied, nor any person occupying any lands or premises, shall permit or maintain on any such lands or premises, any growth of noxious weeds, nor shall the owner or occupant maintain or allow any uncontrolled vegetation on the lands or premises. It shall be the duty of the owner or occupant of all lands and premises along any public street or road or improved street in common usage to cut and remove all noxious weeds and uncontrolled vegetation no later than May 1 of each year and thereafter as may be necessary

(Ord. No. 25, § 2, 3-8-73; Ord. No. 72-03, §§ 3, 4, 11-13-03, Ord. No. 103-16 8-11-2016)

Charter Township of Flushing

**Sec. 17-38. Notice requirements.**

- (A) In the month of March, each year, the Township clerk shall publish a notice in a newspaper of general circulation in the township stating that noxious weeds, weeds and uncontrolled vegetation which are not cut by May 1, may be cut by the Township and the costs charged to the occupant and/or owner and, if not paid, the costs shall be collected and enforced in the same manner as a property tax lien.
- (B) In the event the Code Enforcement Officer or other authorized representative of the Township determines a property is in violation of this Ordinance, notice of the violation shall be sent to the owner of the property, as identified in the Township's tax records. The notice shall be sent by first-class mail setting forth the violation, requiring the owner or occupant to correct the violation within 10 days of the date of the notice, stating if the violation is not corrected within 10 days, the Township may correct the violation and assess costs as provided in this Ordinance. The notice shall state the date of the notice, the property address, the name of the owner as identified from Township tax records, the specific violation and what must be done to correct the violation. Noxious weeds shall be destroyed or removed; uncontrolled vegetation shall be mowed to a height not exceeding 4 inches; and, other uncontrolled vegetation shall be trimmed or removed so as not to interfere with vision at intersecting roads or with the proper drainage or maintenance of ditches, drain culverts or other drainage features.
- (C) It shall not be necessary to send more than one notice, per property, per season; the Township may address subsequent violations of this Ordinance, involving the same property, without providing additional notice.
- (D) Any occupant or property owner who disagrees with the determination of the Code Enforcement Officer and wishes to challenge the asserted violation of this Ordinance must come to the township office and speak with the Code Enforcement Officer within 10 days of the date of the notice of violation.

(Ord. No. 25, § 3, 3-8-75; Ord. No. 72-03, §§ 5, 6, 11-13-03; Ord. No. 103.-16 8-11-2016)

**Sec. 17-39. Violations.**

If any person fails to comply with a notice of violation, the Township may cause the noxious weeds or uncontrolled vegetation to be mowed or otherwise removed or destroyed. Independent contractors at the direction of the Code Enforcement Officer or Township employees shall have full authority to enter onto the property for purposes of mowing, destroying or otherwise removing noxious weeds and uncontrolled vegetation. If necessary to protect equipment or to enable uniform cutting, rocks, debris and other objects may be moved on the property or removed altogether. The Township may remove and dispose of any mowed grass or weeds, branches or brush and the cost of such disposal shall be included in the total costs charged to the occupant and/or owner.

(Ord. No. 25, § 4, 3-8-75; Ord. No. 103.-16 8-11-2016)

**Sec. 17-40. Costs.**

The Township shall keep an account of all expenses incurred with respect to each property entered upon in order to carry out the provisions of this Ordinance. If the work is performed by an independent contractor, Township shall require a written statement of account or invoice for each property. If the work is performed by Township employees, the cost shall be calculated based on the employee time spent, calculated at the employees hourly rate together with fringe benefits together with a reasonable rate for equipment usage and supplies.

(Ord. No. 25, § 5, 3-8-75; Ord. No. 103.-16 8-11-2016)

## Charter Township of Flushing

### **Sec. 17-41. Collection of Costs.**

The cost as set forth in section 19-40 shall be invoiced to the occupant and property owner within five days of receipt of the invoice from the independent contractor or within five days of completion of the work if performed by Township employees. Any invoices attributable to a property throughout a season, which are not paid by September 30, shall be turned over to the Township assessor by October 15, to be included as part of the winter ad valorem property tax bill for that year.

(Ord. No. 25, § 6, 3-8-75; Ord. No. 72-03, § 8, 11-13-03; Ord. No. 103.-16 8-11-2016)

### **Sec. 17-42. Resolution.**

Unless otherwise indicated by resolution of the Board of Trustees, authority to enforce this Ordinance shall rest with the Township's Code Enforcement Officer or the Township's Police Department. Violation of this ordinance shall be a municipal civil infraction, subject to a civil fine not to exceed \$100.

(Ord. No. 25, § 7, 3-8-75; Ord. No. 103.-16 8-11-2016)