

TOWNSHIP OF WATERSMEET  
TALL GRASS AND WEED ORDINANCE # 5-16-2018

An ordinance to secure the public health, safety and welfare of the residents and property owners, by the control and regulation of the height of tall grass and weeds in subdivided lands and upon lands along improved streets within the township; to provide penalties for the violation thereof.

THE TOWNSHIP OF WATERSMEET,  
GOGEBIC COUNTY, MICHIGAN ORDAINS:

SECTION 1. Title and Applicable Seasons.

This ordinance shall be known and cited as the Watersmeet Township Tall Grass and Weed Ordinance, and shall be applicable and in full force and effect from May 1<sup>st</sup> through October 31<sup>st</sup> of each year.

SECTION 2. Purpose

The Township hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects. The purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of Watermeet Township by regulating the height grass and weeds are allowed to grow in areas considered within the confines of the Water/Sewer District.

SECTION 3. Definitions

- A. Grass: any type of grass, but not including crops grown as a source of income, including but not limited to corn, oats, or barley.
- B. Weeds: "weeds" shall include plant, which in the opinion of the Township Board, comes under the provisions of the Noxious Weed Act, Public Act 359 of 1941, as amended (MCL 247.61, et seq.) including grass over SIX (6) inches in height, other than that part of a vegetable or flower garden, is regarded as a common nuisance.
- C. Owner: any person holding an ownership interest in land in the Township of Watersmeet upon which there is tall grass growing. For the purposes of the Ordinance, the name and address listed on the Township tax assessment roll shall indicate ownership interest in such land.
- D. Occupant: any person who has the right to occupy a parcel of property due to being an owner pursuant to a verbal or written lease or rental agreement, with the owner or agent thereof.
- E. Land Used for Agriculture: the use of land for tilling the soil, the raising of field or tree crops or animal husbandry, as a source of income.

#### SECTION 4. Land Subject to Regulations

- A. This ordinance applies to the following;
  - 1. Lots in the Water/Sewer District with a structure.
  - 2. Vacant lots in the Water/Sewer District with available service(s).
  
- B. This ordinance does not apply to:
  - 1. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.
  - 2. Portions of lots used for flower gardens, shrubbery or vegetable gardens.
  - 3. Naturally wooded areas, regulated wetlands or meadows.
  - 4. Areas designated as undeveloped open space.

#### SECTION 5. Duty to Cut Grass

The owner and/or occupants of land to which this ordinance applies shall not allow tall grass or weeds to grow over six inches (6") in height throughout the growing season, including grass and weeds in the right-of-way, and it shall be the duty of all owner and/or occupants located in Watersmeet Township either to cut or otherwise destroy by lawful means all tall grass and weeds, as defined in this ordinance, which are growing upon said property, before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health. On an undeveloped lot, tall grass and weeds must be cut back at a distance of at least thirty (30) feet from the roadway so as to allow a clear line of sight.

#### SECTION 6. Unlawful Acts

It shall be unlawful for the owner and/or occupant of any lot or parcel of land to which this ordinance applies to allow or maintain upon any portion of such lot or parcel any growth of tall grass or weeds as defined herein, or to permit the deposit or accumulation upon any portion of such lot or parcel of land, of any brush, yard debris, dead vegetation, or cut grass or weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard. Growth of grass to a length greater than six (6) inches shall be considered to be a nuisance for the purposes of this section.

#### SECTION 7. Enforcement

- A. Enforcement Officer. This Ordinance shall be enforced by such person(s) who shall be so designated by the Township Board, who shall for purposes of this ordinance be the Watersmeet Township Enforcement Office (OEO).

- B. Right of Entry. This Ordinance enforcement officer and his or her authorized representatives are hereby empowered to enter upon any premises or land in Watersmeet Township for the purpose of inspecting, removing of and/or destroying of tall grass and weeds prohibited under this ordinance. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of the ordinance.
  
- C. Violation Notice. After inspection, if any property is determined to be in violation of this ordinance, a Violation Notice will be sent to the property owner and/or occupant of said premises in which the name appears in the last local assessment record of the Township. The notice shall be sent by both first class mail and/or posting a copy of said notice on the property. The notice shall give the property owner twelve (12) days from the date of the notice to cut the tall grass and weeds.
  
- D. Failure to Comply. If the tall grass and weeds are not cut within twelve (12) days of the notice the OEO shall have the opportunity to enter upon the land and/or to cause the lawn to be mowed by an authorized representative who is hereby empowered to enter upon any premises or land in Watersmeet Township for the purpose of mowing tall grass and weeds in violation of this ordinance even if the property owner and/or occupant failed to actually receive said notice. The Township of Watersmeet, its agents and representatives shall not be responsible for damage to buildings, vehicles, landscape, trees, shrubs, etc, during the mowing of property in violation of this ordinance.
  
- E. Assessment of Costs. All expenses of such cutting, to include equipment usage, transportation, man-hours involved, and overhead, including any and all cost incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient to carry out the requirements of the ordinance shall be paid by the owners of such land plus an administrative charge of ten (10%) percent, thereof per residential parcel, per cutting. After having a lot mowed, the Township shall then submit a bill to the property owner for the cost of the mowing. If the property owner does not pay the bill within sixty (60) days of the date of the invoice the cost of such payment shall be charged against the premises and it shall become a lien on the land or property assessed of the same character in effect as the lien created by general law for taxes, plus an additional delinquency fee of 1.5% per month until paid.

## SECTION 8. Penalties

- A. Any violation of this Ordinance shall be a Municipal Civil Infraction, subject to payment of a civil fine of not less than \$50.00, plus applicable costs and other sanctions for each violation as authorized by Section 21 of Act 359 of the Public Acts of 1947, as amended and the Watersmeet Township Civil Infractions Code.
  
- B. Repeat offenses under this Ordinance shall be subject to increased fines as provided by this section. As used in this section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows below:
  - 1. The fine for any offense which is a first repeat offense shall be not less than \$125.00 plus costs.
  - 2. The fine for any offense which is a second repeat offense shall be not less than \$250.00 plus cost.
  - 3. The fine for any offense which is a third repeat offense shall be not less than \$400.00 plus costs.
  
- C. Each day on which any violation of this Ordinance occurs or continues, constitutes a separate offense subject to separate sanctions.
  
- D. If there is evidence of retaliation by any offender against any complainant or witness, such evidence shall be communicated to the District Court. In sentencing, any violator, the District Court or Magistrate shall first examine the evidence of retaliation, and if such be show, shall consider such acts, including the amount of property damage, and sentence the violator accordingly, which sentence may include restitution for any damage.

#### SECTION 9. Declaration of Nuisance

Any violation of any provision of this Ordinance is hereby declared to be a nuisance and the Township may seek enforcement of the Ordinance by suit for injunction, damages, or other appropriate legal action, as against a nuisance, at the expense of the property owner under MCL 600.2490 (3), including reasonable attorney fees. Any such civil action shall be in addition to any prosecution for violations of this Ordinance as a Municipal Civil Infraction. Commencement of any such proceedings shall not constitute an election of remedies.

#### SECTION 10. Severability

The severability provisions of this Ordinance are declared to be separate; if any Court shall hold that any section or provision hereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION 11. Effective Date

This Ordinance shall be published as required by law and shall take effect immediately after its enactment and thirty (30) days from publication.

Enacted at a regular meeting of the Watersmeet Township Board held on May 16, 2018.

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Mike Rogers, Supervisor

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Sandra Mansfield, Clerk