

**LODI TOWNSHIP
WASHTENAW COUNTY
MICHIGAN**

Ordinance No. 2011-003

AN ORDINANCE ADOPTED PURSUANT TO PUBLIC ACT 359 of 1941 AS AMENDED (MCL 247.61 *et seq.*) TO SECURE THE PUBLIC SAFETY, HEALTH, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, BY THE CONTROL AND REGULATION OF CERTAIN WEEDS AND WEED GROWTH IN SUBDIVIDED LANDS AND UPON LANDS ALONG IMPROVED STREETS WITHIN LODI TOWNSHIP, AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATIONS.

THE TOWNSHIP OF LODI, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1: Title.

This ordinance shall be known and cited as the "Lodi 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 (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 1*) and 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 Weeds Act, Public Act 359 of 1941, as amended (MCL 247.61, et seq.), is regarded as a common nuisance.

Section 3: Regulations.

A. Duty to destroy and prevent. It shall be the duty of all owners, agents, or occupants of land

1. Within platted subdivisions in which buildings have been erected upon 60 percent or more of the lots, and
2. On parcels of land along improved streets in common usage within the township, to a depth of one hundred sixty five (165) feet or the depth of the ownership, whichever is the lesser,

upon which weeds, as defined in this ordinance, are growing, to destroy the weeds before they reach a seed-bearing stage, and to prevent the weeds from perpetuating themselves and from becoming a detriment to public health.

B. Farm field exempted. Nothing in this ordinance shall apply to weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.

C. Failure to comply. If the owner, agent, or occupant, after 10 days' notice as provided in this section, fails to destroy the weeds, then an agent authorized by the Lodi Township Board may enter upon the lot and destroy the noxious weeds by cutting. Mechanical equipment that will not damage the property or the adjacent sidewalk, may be used to cut the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the lot.

D. Notice. Notice shall be provided as follows: The owner, agent, or occupant of the land on which the noxious weeds are found growing shall be notified by certified mail with return receipt requested. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this ordinance.

E. Alternative Notice. Lodi Township may publish a notice in a newspaper of general circulation in Washtenaw County during the month of March that weeds not cut by May 1 of that year may be cut by the township and that the owner of the property will be charged with the costs as provided by this ordinance. The publication shall also describe the methods of treating and eradicating the noxious weeds and a summary of the provisions of this ordinance. Based on the one publication for the year, Lodi Township may cut the weeds as many times as is necessary and charge the costs to the property owner.

F. Failure to provide notice. Failure of the township to give the proper notice does not constitute a defense to an action to enforce the payment of a fine provided for or debt created under this ordinance.

G. Limitation on expense of destruction. No more than \$25.00 for work or material shall be expended on any one infested tract for that infestation without the advice and consent, in writing, of the supervisor of the township.

Section 4: Enforcement and Penalty.

A. The Lodi Township Supervisor shall be responsible for enforcing this ordinance. Except for the issuance of citations and municipal ordinance violation notices, the Supervisor may delegate the actual enforcement of the provisions of this ordinance to other township officials and personnel. For the issuance of citations and municipal ordinance violation notices, the Lodi Township Supervisor, the Zoning Inspector, any other official, individual, firm, or entity the Lodi Township Board designates to perform all or part of the duties of the Zoning Inspector, and all Washtenaw County Sheriff deputies, Michigan State troopers, and any Lodi Township Constable, Police Officer, and Ordinance Enforcement Officer, who have jurisdiction within Lodi Township, are authorized to issue citations and municipal ordinance violation notices as "authorized local officials" pursuant to MCL 600.8707.

B. Violation a municipal civil infraction. Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule.

1. 1st offense (no other offenses within the previous two years): Fifty Dollars

(\$50.00).

2. 2nd or greater offense (one or more other offenses within the previous two years): One Hundred Dollars (\$100.00).

When collected, the fine shall become a part of the "noxious weed control fund" of the township.

C. Each day that a violation continues shall be deemed to be a separate violation. This ordinance shall not prevent the Township from using other methods or means available to it under Michigan law pertaining to remedy the problems or violations.

D. In addition to the fine designated above, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Lodi Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.

E. In addition to the relief stated in subsections 6(a), 6(b), and 6(c) above, Lodi Township may obtain and have enforced any judgment, writ, or order necessary to enforce the ordinance pursuant to MCL 600.8727(5), 600.8302(1) and 600.8302(4).

F. Lodi Township may obtain and enforce liens as authorized by MCL 600.8731 or as by the laws of the state providing for the enforcement of tax liens.

Section 5: Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 6: Effective Date

This Ordinance shall be published once in a newspaper having general circulation in Lodi Township and shall take effect 30 days after the first publication as required by law following adoption by the Township Board.



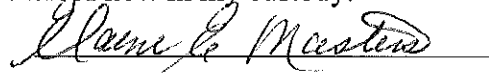
Jan Godek, Township Supervisor



Elaine Masters, Township Clerk

Clerk's Certification

I, Elaine Masters, Clerk for Lodi Township, Washtenaw County, Michigan, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2011-003 of Lodi Township, adopted by resolution at a meeting of the Township Board of Trustees held on September 6, 2011, and the whole thereof now in my custody.



Elaine Masters, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan 48103. The office hours are 9:00 a.m. until noon Monday, Wednesday and Friday.

Adopted: September 6, 2011

Published: September 15, 2011

Effective: October 15, 2011