

## Chapter 38 VEGETATION

### ARTICLE I. IN GENERAL

**Secs. 38-1--38-30. Reserved.**

### ARTICLE II. WEEDS

**Sec. 38-31. Definitions.**

A. For the purpose of this Article, 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 elator* 1.), poison ivy (*rhus toxicodendron*), and poison sumac (*toxicodendron vernix*), or other plants which, in the opinion of the township board, is recognized as deleterious to health, safety or public welfare and recognized as a common nuisance.

B. For the purpose of this Article, weeds shall also include any grass or other rank vegetation wherein the height is greater than eighteen (18) inches, except as set forth in Section B.1, below.

1. The following vegetation is exempt from the provisions of this section:
  - a) Agricultural crops
  - b) Cultivated trees
  - c) Cultivated shrubs
  - d) Flowers or other decorative ornamental plants under cultivation
  - e) Wildflowers
  - f) Vegetation in woodlands or wetlands
  - g) Cultivated Meadows h) Meadows in agricultural zones

**Sec. 38-32. Regulations**

A. It shall be the duty of any person(s) having supervision, control, or ownership of any lot, tract, or parcel of land, or any portion thereof, upon which weeds, as defined in this Article are growing:

1) Within platted subdivisions in which buildings have been erected upon 60 percent or more of the lots thereof, or

2) On parcels of land along paved streets in common usage within the township, to a depth of 165 feet beginning at the road right of way, or the depth of the ownership, 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. Nothing in this Article shall apply to weeds growing in fields devoted to growing agricultural crops.

### **Sec. 38-32. Notification, Enforcement.**

A. The Township Board shall, by resolution, not later than March 31, of each year, establish the date(s) by which all subject property shall be mowed and the fees for services provided under this Article. The Township shall publish a notice in a paper with general circulation in the Township indicating the general provisions of this Article and the required mowing date(s) not later than April 30, of said year.

B. In the event that a property covered by the provisions of this Article is not mowed by the required date(s) the Township Municipal Services Department shall send a notice by first class mail to the owner of record of said property, and to the occupant, if not the owner, advising them of the requirements of this Article and providing 15 days to comply with its provisions. One notice per parcel per season shall be deemed adequate notice for the entire mowing season.

C. All properties not in compliance with this Article after the 15 day period provided in Section B, above, shall be mowed by the Township and charges billed to the owner of record. Any additional work required to mow the property such as litter removal will also be charged as provided.

D. Upon determination by the Township that the condition of a property is a violation of this Article and presents a potential threat to the public health, safety or welfare, the Township may waive the fifteen (15) day notification period required in Section B, above, and cause the violation to be immediately corrected with all costs assessed against the property and billed to the owner of record.

E. All charges which remain unpaid as of October 1, of the current year shall become a lien against the subject property and shall be assessed against said property on the winter tax roll.

### **Sec. 38-33. Penalties**

Violation of any provision of this Article shall be a Municipal Civil Infraction subject to the penalties established by Article VI of Chapter 2 of this Code. Each day that a violation continues after due notice has been served in accordance with Section

4.B, above, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Article.

(Ord. No. 251, eff. 4-27-2002)