

Ord. 2012-29

**GIRARD TOWNSHIP
WEED, YARD & GRASS ORDINANCE**

ADOPTED: OCTOBER 1, 2012

EFFECTIVE DATE: OCTOBER 22, 2012

An ordinance to protect the public health, safety, and general welfare of persons within Girard Township, by control and regulation of certain weeds and grass growth in subdivided lands and along roads within the Township. This ordinance shall provide penalties for the violation thereof and to repeal all Ordinances or parts of Ordinances in conflict therewith. Pursuant to the enacting authority therefore provided by Act 344 of the Public Acts of 1945, as amended.

THE TOWNSHIP OF GIRARD, BRANCH COUNTY, MICHIGAN ORDAINS:

SECTION I. TITLE:

This Ordinance shall be known and cited as the Girard Township Weed, Yard, and Grass Ordinance.

SECTION II. DEFINITIONS:

For the purpose of this Ordinance:

- (a) Weeds shall include but not be limited to Canada thistle, dodders, mustards, wild carrot, bindweed, perennial sow thistle, hoary alyssum, ragweed, poison ivy, poison sumac, and all types of nuisance grasses.
- (b) Homestead shall be a dwelling intended for occupancy by a family or a person(s), whether it is occupied or unoccupied.
- (c) Brush shall include woody type plants.

SECTION III. REGULATIONS:

A. RESIDENTIAL/SUBDIVISIONS:

Within platted subdivisions in which buildings have been erected upon 60% or more of the lots thereof, or on parcels of land along roads in common usage within the Township, to a depth of 165 feet from the centerline of the road or the depth of ownership, whichever is the lesser, it shall be the duty of all owners of land to:

- (a) Mow any grass and/or weeds, as defined in this Ordinance, to ensure that such grass and /or weeds do not obtain a height of eight (8) inches or more.
- (b) Destroy said weeds before they reach a seed-bearing stage, and to prevent said weeds from perpetuating themselves and becoming a detriment to public health.

B. AGRICULTURAL DISTRICT:

In this district the landowner shall mow and maintain the weeds and/or grass as defined in this ordinance to a height of not more than eight (8) inches in areas as defined below.

- a) If the homestead is within 165 feet of the centerline of the roadway(s) the grass and weeds shall be mowed to a depth of 165 feet from the centerline of the roadway(s) or the depth of lot, whichever is less, and to a width of thirty (30) feet extended from either side of the homestead to the road.(see Figure 1 attached) Also, an area extending thirty (30) feet from all sides (perimeter) of the homestead, or to the lot line, whichever is less, shall be mowed and maintained for fire protection purposes.
- b) If the homestead is located more than 165 feet from the centerline of the roadway, an area extending thirty (30) feet from all sides (perimeter) of the homestead (see Figure 2 attached), or to the lot line, shall be mowed and maintained for fire protection purposes.

Nothing in this Ordinance shall apply to weeds along roads, or in fields devoted to growing any small grain crops such as, but not limited to, wheat, oats, barley, rye, corn, potatoes, tomatoes, green beans, soy beans, or orchards, pastures, CRP ground.

SECTION IV. NOTICE OF VIOLATION

It shall be the duty of the Girard Township Enforcement Officer, or other such person(s), as designated by the Girard Township Board to notify the owners, renters, and/or tenants of the premises, that the premises are in violation of this Ordinance.

Any person, firm, or corporation that violates any provisions of this Ordinance shall be given two (2) weeks to mow said grass and/or weeds. Any person, firm, or corporation that does not comply with the provisions of this Ordinance within two (2) weeks after notification of the violation shall be deemed guilty of a misdemeanor, and shall be subject to a fine as predetermined by the Girard Township Board.

In the event the owner of said property cannot be located, the Girard Township Board will petition the Branch County District Court to have said grass and/or weeds mowed and request that a tax lien be placed on the property.

SECTION V. FAILURE TO CORRECT

In the event that the owner, renter, or the tenant fails to correct such violation within the period described in the notice, the Girard Township Enforcement Officer, or other person(s), as authorized by the Girard Township Board may cause the issuance of a Municipal Civil Infraction Appearance Ticket as herein provided, or cause any other action deemed necessary.

SECTION VI. SANCTIONS

Any person, firm, or corporation who is in violation of any of the provisions of this Ordinance shall be deemed to be responsible for Municipal Civil Infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

- 1st Offense within a two (2) year period* Amount to be determined by the Girard Township Board annually
- 2nd Offense within a two (2) year period* Amount to be determined by the Girard Township Board annually
- 3rd Offense within a two (2) year period* Amount to be determined by the Girard Township Board annually

*Determined on the basis of the date of the commission of the offense(s).

Additionally, the violator shall pay all costs which may include all expenses, direct and indirect, to which Girard Township has incurred in connection with the Municipal Civil Infraction. Also, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

Each thirty (30) days that a violation exists without resolution shall constitute a separate offense.

SECTION VII. VALIDITY:

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part or portion thereof so declared invalid.

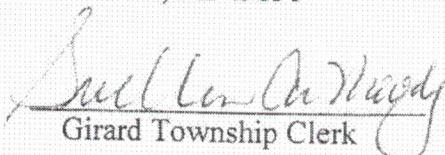
SECTION VIII. REPEAL

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

SECTION IX. EFFECTIVE DATE:

This Ordinance shall take effect on 10-22-2012.

Girard Township
1009 Marshall Road
Coldwater, MI 49036


Girard Township Clerk

Date: Oct 1, 2012

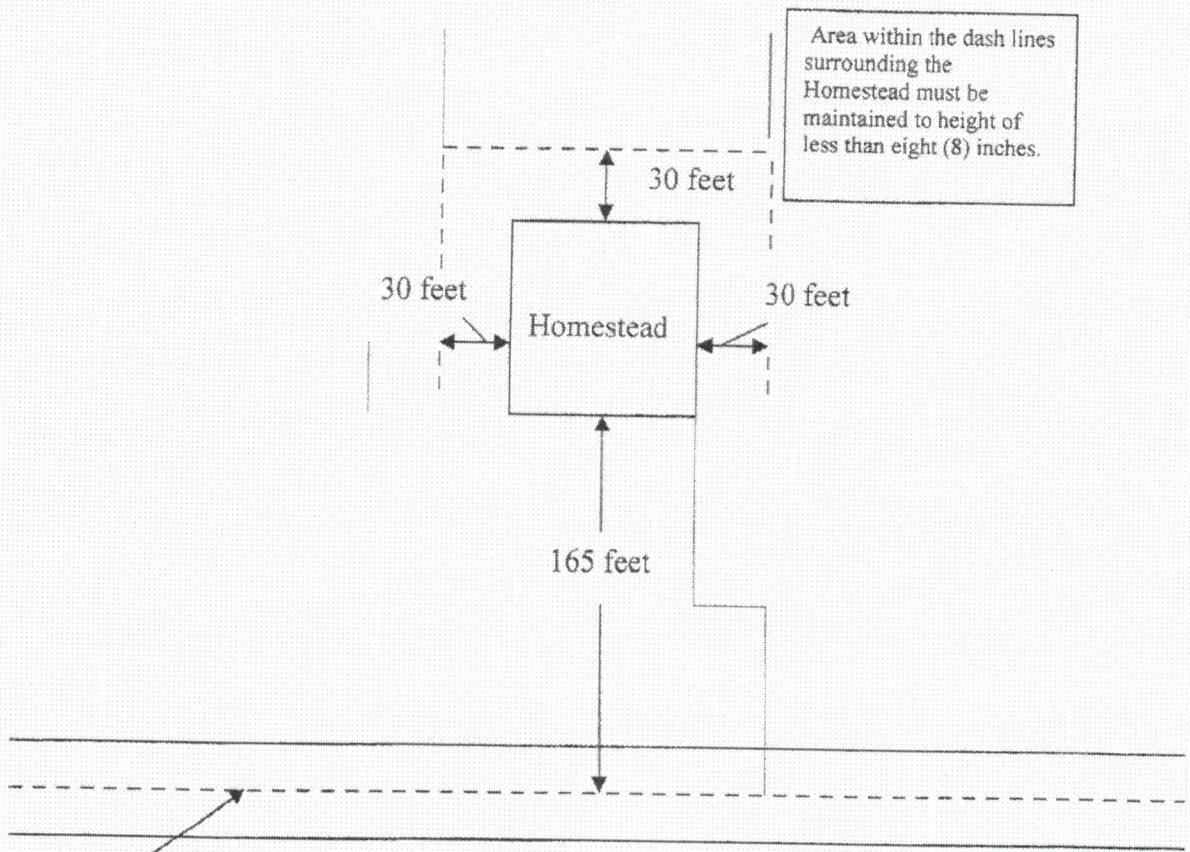
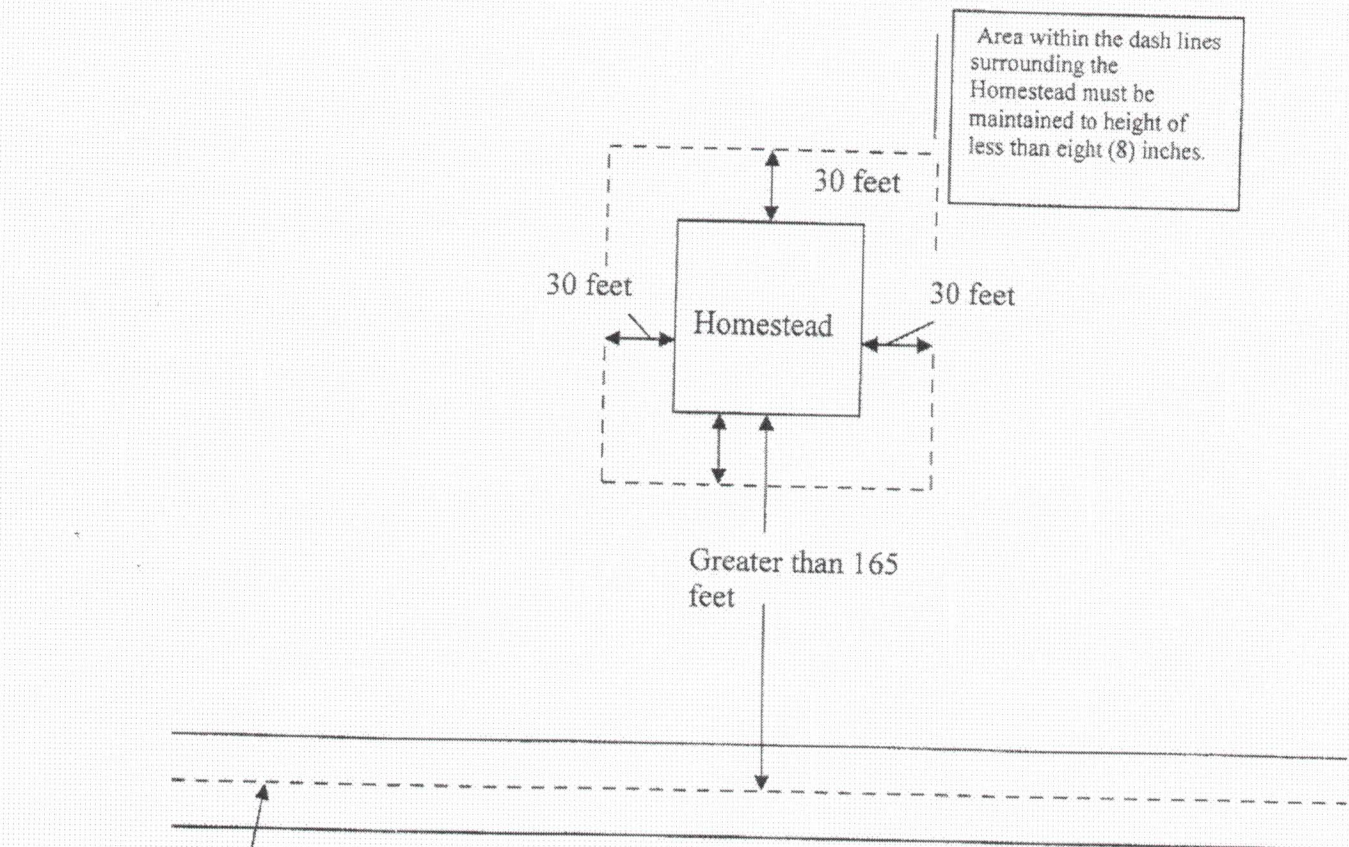


Figure 1. Agricultural Homestead Mowing

Requirements
Centerline of road

Homestead within 165 Feet of the Road Centerline.



**Figure 2.. Agricultural Homestead Mowing Requirements
Homestead more than 165 Feet from the Road Centerline.**