

**FREEDOM TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 45**

[An Ordinance to secure the public health, safety and welfare of the residents and property owners of Freedom Township by control and regulation of weeds; to permit the Township to have a lien for expenses incurred in controlling and eradicating such weeds; and to provide penalties for violation.]

FREEDOM TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1.0 Title.

This Ordinance shall be known and cited as the Freedom Township Weed Control Ordinance.

Section 2.0 Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

- (1) **Growing Season.** From May 1 and October 1 of each calendar year.
- (2) **Noxious Weed.** Any plant identified by the State of Michigan as prohibited or restricted for purposes of sale or cultivation of seeds or plant materials within the state.
- (3) **Weed.** Any noxious weed as defined in this Ordinance, plus ragweed (*ambrosia artemisiifolia*), bindweed (*convolvulus arvensis*), poison ivy (*rhus toxicodendron*), and poison sumac (*tosicodendron vernix*); and any turf grass, lawn area or similar vegetation allowed to grow in excess of ten (10) inches in height. The term “weed” shall not include agricultural crops; actively used and maintained pastureland associated with a farm or livestock operation; trees, shrubs, flowers, ornamental grasses, and other ornamental plants under cultivation or within landscaped areas; wildflowers and natural prairies; and vegetation within woodlands, wetlands or stormwater management facilities.

Section 3.0 Prohibitions.

During the growing season, which is defined as between May 1 and October 1 of each calendar year, the following shall be prohibited in Freedom Township:

- (1) It shall be unlawful for any owner, agent or occupant of any land in Freedom Township to plant or cultivate any noxious weed.
- (2) It shall be unlawful for any owner, agent or occupant of land in Freedom Township that abuts or has direct access to the following road rights-of-way to allow or maintain any weeds, turf grass, lawn area or similar vegetation in excess of ten (10) inches in height as measured from the ground where the weeds are growing:
 - (a) Elmdale Drive, Happy Hollow Drive, Pleasant Shore Drive, and Reno Road;
 - (b) Hieber Road between Reno Road and Schneider Road; and
 - (c) Pleasant Lake Road between S. Fletcher Road and Schneider Road

Section 4.0 Annual Notice.

The Township shall publish a notice in a newspaper of general circulation in the Township at least once each calendar year. The notice shall include the text of Section 3.0 (Prohibitions), and shall state that regulated weeds shall be cut or eradicated by May 1st of that year, or ten (10) calendar days following the date of publication, whichever is later. The notice shall further state that any land area not maintained in compliance with this Ordinance during the growing season may be cut by the Township, with the cost charged to the property owner.

Section 5.0 Enforcement.

The property owner of record, as shown on the assessment records, shall be responsible for compliance with this Ordinance.

1. **Notice of violation.** The Township Supervisor or ordinance enforcement officer shall notify the property owner of record of any violation of this Ordinance by first class mail. The notice shall include the text of Section 3.0 (Prohibitions), and shall inform the owner that if the regulated weeds are not cut or eradicated within ten (10) calendar days from the date of the mailing of the notice, the Township or its contractor may enter the premises to cut or eradicate such weeds as many times as is necessary during the growing season to restore compliance with this Ordinance.

Provided that the annual notice is published in accordance with Section 4.0 (Annual Notice), non-receipt of this additional notice shall not constitute a defense to an action to enforce the payment of a fine provided for or debt created under this Ordinance. In the case of an immediate public hazard, no notice shall be necessary.

2. **Noncompliance.** If, during the growing season, the owner fails to correct a violation after notice has been given in accordance with this Ordinance, the Township Supervisor may authorize a Township employee or contractor to enter the premises to cut or eradicate such weeds as many times as is necessary to restore compliance with this Ordinance.
3. **Appeal of costs imposed.** Within 15 days of the date a statement of costs is mailed to the property owner of record, the owner may appeal the reasonableness of the charges by filing a written statement with the Township Clerk stating why the charges are unreasonable. If the Township Board finds the charges unreasonable, it shall assess such costs as it deems reasonable. Such determinations shall be made on a case-by-case basis, with no precedent set.
4. **Property lien.** All charges that remain unpaid as of the first day of October of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.
5. **Municipal civil infraction.** Any owner, agent or occupant of any land in Freedom Township who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of this Ordinance, may also be responsible for a municipal civil infraction and may pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for each offense, plus costs and attorney fees, and may be subject to other sanctions as the court may impose by law.

Section 6.0 Repeal of Conflicting Provisions.

All other Township ordinances, Township Board resolutions, and parts thereof that conflict with provisions of this Ordinance are hereby repealed and shall be of no further force or effect.

Section 7.0 Severability.

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 8.0 Effective Date.

This Ordinance shall become effective thirty (30) days after publication of a Notice of Adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

Dated: July 14th, 2015

Dale Weidmayer, Supervisor

Valisa Bristle, Clerk

CERTIFICATION

The above Ordinance No. 45 was adopted at a meeting of the Freedom Township Board of Trustees on the 14th day of July, 2015; and published in the The Sun Times, a newspaper of general circulation in Freedom Township, Washtenaw County, Michigan on the 30th day of July, 2015.

Valisa Bristle
Freedom Township Clerk

State of Michigan's Prohibited and Restricted Weeds List (July 1, 2015)

Michigan Department of Agriculture

http://www.michigan.gov/mdard/0,4610,7-125-1569_16993-11250--,00.html

Michigan laws regulate the possession and sale of certain plant species that are considered undesirable from agricultural as well as environmental viewpoints. These unwanted species are listed below according to the applicable laws and regulations.

A. Prohibited Plant Species (Natural Resources and Environmental Protection Act (Act 451 of 1994, as amended))

Prohibited species identified under this Act cannot be sold or grown in the state. Any of the following plants, fragments, seeds or a hybrid or genetically engineered variant thereof are specifically prohibited.

<i>Cabomba caroliniana</i> – Fanwort	<i>Lagarosiphon major</i> - African oxygen weed
<i>Cylindrospermopsis raciborskii</i> – Cylindro	<i>Myriophyllum aquaticum</i> - Parrot's Feather
<i>Egeria densa</i> - Brazilian elodea, also known as Anacharis	<i>Nitellopsis obtusa</i> - Starry Stonewort
<i>Fallopia japonica</i> - Japanese knotweed	<i>Nymphoides peltata</i> - Yellow Floating Heart
<i>Heraclium mantegazzianum</i> - Giant Hogweed	<i>Salvinia molesta, auriculata, biloba, or herzogii</i> - Giant Salvinia
<i>Hydrilla verticillata</i> – Hydrilla	<i>Salvinia</i>
<i>Hydrocharis morsus-ranae</i> - European frogbit	<i>Trapa natans</i> - Water Chestnut

B. Restricted Plant Species (Natural Resources and Environmental Protection Act (Act 451 of 1994, as amended))

Restricted species under this Act are those that may occur within the state and are generally considered as nuisances or economically detrimental. Any of the following plants, fragments, seeds or a hybrid or genetically engineered variant thereof are restricted.

<i>Butomus umbellatus</i> - Flowering Rush	<i>Phragmites australis</i> - Phragmites or Common Reed
<i>Lythrum salicaria</i> - Purple Loosestrife	<i>Potamogeton crispus</i> - Curly Leaf Pondweed
<i>Myriophyllum spicatum</i> - Eurasian Watermilfoil	

C. Noxious Weeds (Michigan Seed Law (Act 329 of 1965) and Regulations 715 (Under Act 329))

1. Prohibited noxious weeds - Seeds of these species are prohibited as contaminants in seed offered for sale.

<i>Agropyron repens</i> = <i>Elytrigia repens</i> – quackgrass	<i>Cyperus esculentus</i> , both seed and tubers – yellow nutsedge, chufa
<i>Cardaria draba</i> - whitetop = hoary cress = perennial Peppergrass	<i>Euphorbia esula</i> - leafy spurge
<i>Carduus acanthoides</i> - plumeless thistle	<i>Ipomea species</i> - morning glory
<i>Carduus nutans</i> - musk thistle	<i>Nasella trachoma</i> - serrated tussock
<i>Centaurea maculosa</i> - spotted knapweed	<i>Solanum carolinense</i> - horsenettle
<i>Centaurea picris</i> - Russian knapweed	<i>Sonchus arvensis</i> - perennial sowthistle
<i>Cirsium arvense</i> - Canada thistle	<i>Sorghum halapense</i> , including <i>sorghum alnum</i> and seed which cannot be distinguished from johnsongrass - johnsongrass
<i>Cirsium vulgare</i> - bull thistle	<i>Tribulus terrestris</i> - puncturevine
<i>Convolvulus arvensis</i> - field bindweed	
<i>Convolvulus sepium</i> - hedge bindweed	
<i>Cuscuta spp</i> – dodder	

2. Restricted noxious weed seeds - Generally the limit is one seed per 2000 of agricultural seed offered for sale.

<i>Abutilon theophrasti</i> – Velvetleaf	<i>Seteria faberii</i> - Giant foxtail
<i>Allium canadense</i> - Wild onion	<i>Sinapis arvensis</i> - Charlock
<i>Allium vineale</i> - Wild garlic	<i>Solanum species: including all of the following species and any other species with indistinguishable seed: -</i>
<i>Avena fatua</i> - Wild oat	Nightshade complex
<i>Barbarea vulgaris</i> - Yellow rocket	<i>Solanum dulcamara</i> - Bitter nightshade
<i>Berteroa incana</i> - Hoary alyssum	<i>Solanum eleagnifolium</i> - Silver leaf nightshade
<i>Brassica juncea</i> - Indian mustard	<i>Solanum nigrum</i> - Black nightshade
<i>Brassica nigra</i> - Black mustard	<i>Solanum ptycanthum</i> - Eastern black nightshade
<i>Datura stramonium</i> – Jimsonweed	<i>Solanum sarrachoides</i> - Hairy nightshade
<i>Daucus carota</i> - Wild carrot	<i>Thalspi arvense</i> - Fanweed
<i>Plantago lanceolata</i> - Buckhorn plantain	<i>Xanthium strumarium</i> – Cocklebur
<i>Raphanus raphanistrum</i> - Wild radish	
<i>Rumex crispus</i> - Curled dock	