

**TOWNSHIP OF CANNON
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Cannon, Kent County, Michigan, held in the Cannon Township Center, 6878 Belding Road, in said Township, on the 28th day of June, 2010, at 7:00 p.m.

PRESENT: Davies, Diepenhorst, LaPeer, MacGregor, McBrien

ABSENT: Blackledge, Grimm

The following Ordinance was offered by Member Davies and seconded by Member LaPeer.

ORDINANCE NO. 2010-4

**AN ORDINANCE TO PROHIBIT THE EXISTENCE OF TALL GRASS AND WEEDS,
TO PROVIDE FOR THE ABATEMENT THEREOF, AND TO PROVIDE PENALTIES
FOR VIOLATION OF THE ORDINANCE FOR SUBDIVISION PLATS IN THE R-1,
R-2, R-3 AND LR DISTRICTS**

CANNON TOWNSHIP ORDAINS:

Section 1. Property Conditions Declared a Public Nuisance.

Weeds, grasses and undergrowth higher than ten inches are declared to be a public nuisance.

Noxious weeds, as defined by State law (MCL 247.64a, et. seq.)

Section 2. Nuisances Prohibited.

This Ordinance is not intended to prohibit or discourage the practice of developing natural groundcover areas, prairie yards, or gardens and lawns using accepted xerophytic plantings and techniques. It is intended to abate and eliminate situations where property is in a state of actual neglect and shows no distinct plan or pattern of upkeep or maintenance.

Section 3. Exceptions.

A. Parcels without a structure.

B. Properties zoned Rural Residential and Agricultural in accordance with the Cannon Township Zoning Ordinance.

C. Planned Unit Developments and Site Condominiums.

Section 4. Responsibility for Road Right-of-Way and Public Utility Easements.

The property owner shall also be responsible for maintaining, free of the nuisances described in Section 1 and all public ways abutting the property as follows:

- A. The Kent County right-of-way between the roadway and the property owners' front property line or front right-of-way easement line.
- B. Any private road right-of-way which provides access to the property owner between the private road and the property owners' front property line or right-of-way easement line.

Section 5. Notice of Violation.

In the event that a property owner fails to comply with this Ordinance, the Township is hereby authorized and empowered to notify the property owner of the violation and to direct the property owner to remove the nuisance. Such notice shall be in writing, addressed to the property owner as appears on the latest ad valorem property tax assessment roll, and shall inform the property owner:

- A. The nature of the violation.
- B. The time in which the violation may be abated, which time shall not be less than five days nor more than 10 days from the date of the notice.
- C. That the Township may act to abate the violation if it is not abated by the owner within the time allowed.
- D. That in the event the Township abates the nuisance, the cost of abatement plus an administrative fee shall be assessed as a lien against the property until paid.
- E. That refusal of the property owner to abate the nuisance or to allow the Township to abate a violation or nuisance shall result in prosecution.

The failure to receive such notice shall not be a defense to any action brought by a member of the public for injury or by the Township to collect the costs of abatement or impose penalties or other fees as authorized by this Ordinance.

Section 6. Abatement.

Upon failure, neglect, or refusal of any property owner to comply with the provisions of this Ordinance, the Township or its authorized contractors or other designee(s) is (are) authorized and empowered to enter his property to abate the nuisance or to provide and to make payment for the abatement of the nuisance not more than six times in a growing season between May and October.

Section 7. Violation and Penalties.

Any person, firm or corporation violating any of the provisions of this Ordinance, shall, upon conviction thereof by any court of competent jurisdiction, be punished by a civil fine of fifty dollars (\$50.00) for a first violation, two hundred fifty dollars (\$250) for a second violation, and five hundred dollars (\$500.00) for a third or subsequent violation. Each act of violation and every day upon which any such violation shall occur or continue shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day. Any actions by the property owner or the Township to bring the property into compliance after the issuance of a citation shall not constitute a defense to a prosecution for violation of the Ordinance.

Section 8. Administrative Fee.

An administrative fee, set by Township resolution, shall be added to any costs charged by the Township to the property owner whenever the Township abates a nuisance under this Ordinance.

Section 9. Charge to Owner.

When the Township abates a nuisance as provided hereunder, the cost of the abatement and the authorized administrative fee shall be billed to the property owner. The cost and fee shall be a debt of the property owner to the Township which may be assessed as a lien against the property, including interest therein, until paid, and enforced and collected in the same manner as ad valorem property taxes.

Section 10. Effective Date.

This ordinance shall become effective seven days after its publication or ³⁰seven days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Davies, Diepenhorst, LaPeer, MacGregor, McBrien

NAYS: None

ABSENT: Blackledge, Grimm

ORDINANCE DECLARED ADOPTED.

Bonnie S. Blackledge
Bonnie S. Blackledge, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Cannon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Bonnie S. Blackledge
Bonnie S. Blackledge, Township Clerk