

DEWITT CHARTER TOWNSHIP

CLINTON COUNTY, MICHIGAN

ORDINANCE NO. O2015-5-09

PREAMBLE

AN ORDINANCE TO AMEND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION (INCLUDING APPENDIX A), PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AS THE PROPERTY MAINTENANCE CODE FOR THE CHARTER TOWNSHIP OF DEWITT ADOPTED BY ORDINANCE NUMBER O2013-7-03, TO AMEND PROVISIONS THEREOF WITH REGARD TO RELATED CODE REFERENCES; TO ADD A DEFINITION FOR TEMPORARY PORTABLE STORAGE CONTAINERS; TO AMEND THE DEFINITION OF NOXIOUS WEEDS TO INCLUDE INVASIVE SPECIES; TO AMEND PROVISIONS FOR WEED CONTROL AND TOWNSHIP AUTHORIZATION TO ERADICATE WEEDS AND GRASSES; TO AMEND PROVISIONS FOR ACCESSORY STRUCTURES; TO REGULATE FENCING AND SCREENING AND TEMPORARY PORTABLE STORAGE CONTAINERS; TO AMEND PROVISIONS FOR MOTOR VEHICLES AND EQUIPMENT WITHIN THE PUBLIC ROAD RIGHT OF WAY; TO REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

THE CHARTER TOWNSHIP OF DEWITT, CLINTON COUNTY, MICHIGAN, ORDAINS:

SECTION I. THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION IS AMENDED AS FOLLOWS;

Section 202 General Definitions. Section 202, "General Definitions," shall be and is hereby amended to add and read as follows:

TEMPORARY PORTABLE STORAGE CONTAINER. A structure for temporary purposes to hold refuse or storage of household items, which include but are not limited to, construction dumpsters, portable storage units, shipping containers, and similar containers.

NOXIOUS WEEDS. Weeds include Canada thistle (*Cirsium arvense*), dodders (*Cuscuta* species other than those considered by the state department of natural resources to be endangered with extinction), mustards (charlock, black mustard, Indian mustard, all being species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus*

arvensis), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Amroisia eletior*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), and grasses or herbs not intended for ornamental purposes or invasive plant species that are prohibited or restricted by the state department of natural resources.

Section 302.4 Landscaping, grounds and weeds. Section 302.4 "Landscaping, grounds and weeds," shall be and is hereby amended to read as follows:

302.4 Landscaping, grounds and weeds. 302.4 Landscaping, grounds and noxious weeds (weeds). All noxious weeds shall be prohibited. The owner of land on which noxious weeds are found growing shall destroy the weeds before they reach a condition detailed herein and prevent their regrowth, and shall prevent them from becoming a detriment to public health.

The owner of property where weeds and grasses exceed eight inches (8") in height for single family owner occupied dwellings that are used solely for residential use or six inches (6") for all other uses shall abate such condition and take remedial measures, or shall receive a warning from the code official or said official's designee. Except as provided below, weeds and grasses in excess of ten inches (10") in height for single family owner occupied dwellings that are used solely for residential use or eight inches (8") for all other uses shall be prohibited within the Township, to a depth of one hundred sixty-five (165) feet or the depth of the parcel, whichever is less. This section does not, however, apply to cultivated flowers and gardens and natural buffers as defined under Section 202, "General Definitions."

Trees and shrubs shall also be tended and maintained at all times. Dead or dying trees that pose a hazard to adjacent properties shall be removed and disposed of promptly, unless required by other codes and ordinances to be replaced.

This section shall not apply to that portion of a parcel zoned for agricultural use and not used for residential purposes.

302.4.1 Commissioner of noxious weeds. The township board shall by resolution appoint a commissioner of noxious weeds who shall take an oath required of the township officers and shall hold office for the term of two years and until a successor is appointed and qualified who shall receive for compensation such sum as may be fixed by the township board. The commissioner of noxious weeds as herein provided for shall

have duties and responsibilities as provided under the provisions of Act No. 359 of the Public Acts of Michigan of 1941 (MCL 247.61 et seq.), as amended. The commissioner of noxious weeds shall also have the duty of enforcement of this Ordinance.

302.4.2 Notice and removal. The Township Commissioner shall notify by first class mail, personal delivery, or by posting on the premises, the owner, agent or occupant of any of the lands described in violation of 302.4 on which prohibited grasses, weeds, vegetation or brush is found. Such notice shall contain a description of the prohibited condition and a summary of the provisions of this article. Upon failure to comply with the notice of violation within seven (7) days after such notice is provided or timeline established by the Township, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut, destroy and remove the weeds. Express power to so enter such lands and perform such duties is hereby conferred upon the Township commissioner or any duly authorized agent.

Authorized Township personnel or contractor(s) may enter the property in violation to cut, destroy and remove weeds after the following steps are taken: An authorized agent of the Township inspects the property and determines a violation exists on the property. The Township shall then notify the owner, agent, or occupant in writing by first class mail, personal delivery, or by posting on the property that a violation exists with an established timeline for compliance. Upon failure to bring the property into compliance with the established timeline, the Township shall issue a municipal civil infraction along with a seven (7) day correction notice. After the seven (7) day correction notice, the authorized agent shall reinspect the property to determine compliance. If the property remains in violation, the Township's duly authorized employee or contractor shall be authorized to enter upon the property in violation and cut, destroy, and remove the weeds.

302.4.3 Costs. All costs and expenses incurred in such destruction and/or removal by the Township shall be billed in a statement to and paid by the owner, agent or occupant of such lands. If such owner, agent or occupant shall not pay such statement when due, the amount of expenses incurred by the Township in destroying and/or removing such condition shall be paid from the Township general fund and the amount thereof assessed against the lands on which such expenditures were made on the next general assessment roll of the Township and shall be collected in the same

manner as other taxes are collected. The Township shall have a lien upon the property for such costs and expenses, such lien shall be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

302.4.4 Availability of Other Enforcement Options. Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action or legal action as permitted by law.

Section 302.7 Accessory Structures. Section 302.7 "Accessory Structures," shall be and is hereby amended to read as follows:

302.7 Accessory Structures. All accessory structures, including detached garages, signs, fences, walls, and screens, shall be maintained structurally sound and in good repair. Fences, walls, or screens shall be constructed of exterior grade materials that are durable and weatherproof.

Temporary portable storage containers shall not be permitted within the front yard for a period greater than thirty (30) days in a calendar year. If a temporary storage container will be utilized for a period of more than thirty (30) days, it shall be placed behind the principle structure within the rear yard area of the said structure and be at least five (5) feet from a property line. Under no circumstance shall a temporary portable storage container be placed on a property for more than six (6) months in a calendar year. Temporary portable storage containers shall not apply to agricultural properties that utilize such containers for agricultural purposes.

Section 302.8 Motor Vehicles. Section 302.8 "Motor Vehicles," shall be and is hereby amended to read as follows:

302.8 Motor Vehicles. Except as provided for in the Township's Code of Ordinances and other township regulations, no more than one (1) inoperative or unlicensed motor vehicle shall be parked, kept or stored outside of an enclosed structure. No vehicle shall at any time be in a state of disassembly, disrepair, or in the process of being stripped or dismantled outside of said structure.

Automobiles, RV's, and/or other operating motor vehicles shall not be parked within the public road right-of-way for more than five (5) days during a one (1) month period.

No storage or equipment trailers of any kind shall be parked within the public road right-of-way at any time, except for necessary construction related activities that are authorized by permit, occurring on the property, or trailers attached to registered motorized vehicles.

Other than minor repairs, it shall be unlawful for any person to paint vehicles outside of an enclosed structure. Painting of vehicles shall only be conducted inside an approved spray booth.

Exceptions:

1. Inoperative or unlicensed vehicle(s) can be stored inside a permanent structure designed and approved for such purposes.
2. This section shall not be deemed to apply to outside storage of farm machinery or parts thereof in areas of the Township actively used for agricultural purposes, provided said material is owned by the occupant of such premises and is not stored only for resale.

SECTION II. SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court of competent jurisdiction, or any agency, department or commission, empowered for such purpose, such decision shall not affect the validity of the remaining provisions of this Ordinance; and the application of those provisions to any person or circumstances shall not be affected thereby.

SECTION III. REPEALER

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its passage, publication and recording by the DeWitt Charter Township Clerk, as required by law.

First Reading: May 26, 2015
First Publication: June 7, 2015
Second Reading: June 22, 2015
Second Publication: June 28, 2015
Effective Date: July 28, 2015

Rick Galardi
Rick Galardi, Supervisor

Diane K. Mosier
Diane K. Mosier, Clerk

I, Diane K. Mosier, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. O2015-5-09, duly adopted by the Board of Trustees of the Charter Township of DeWitt, Clinton County, Michigan, on the 22nd day of June, 2015 and that the same was posted and published as required by law on the 28th day of June, 2015. Said Ordinance Effective date: July 28, 2015.

Diane K. Mosier
Diane K. Mosier, Clerk