

BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ORDINANCE NO. 2019-02
AMEND BIRCH RUN TOWNSHIP NUISANCE ORDINANCE

ADOPTED: March 12, 2019
PUBLISHED: March 20, 2019
EFFECTIVE: April 19, 2019

An Ordinance to amend and supplement the Birch Run Township Nuisance Ordinance, Ordinance No. 2006-04, adopted November 14, 2006.

The Board of Trustees of Birch Run Township, Saginaw County, Michigan, ordains that the Township Nuisance Ordinance be amended and supplemented as follows:

An ordinance to secure the public health, safety; and general welfare of the residents and property owners of Birch Run Township, Saginaw County, Michigan by the regulation of nuisances within said Township and to prescribe the sanctions for the violation thereof.

SECTION II of the Birch Run Township Nuisance Ordinance, entitled “DEFINITIONS” is hereby amended and supplemented to read as follows:

The following terms used in this Ordinance are defined as follow:

- a) “Daytime Hours”: The hours between 7:00 a.m. and 10:00 p.m. local time.
- b) “Noxious Weeds” shall include, but is not limited to the following:
 - 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 (*Amrosia elatior* 1), poison ivy (*Rhus Toxicodendron*), poison sumac (*Toxicodendron vermix*), oxeyes daisies, goldenrod, dandelion or other plant that in the opinion of the Township Board is regarded as a nuisance, including those Noxious Weeds coming under the provisions of the MCL 247.61 *et seq.*
- c) “Tall Weeds” shall mean any weed exceeding nine (9”) inches in height.
- d) “Tall Grass” shall mean any grass exceeding nine (9”) inches in height.
- e) “Tall Brush” shall mean any brush exceeding three (3’) feet in height.
- f) “Other Plants” shall include those recognized as deleterious to health, safety, or public welfare and recognized as a common nuisance.
- g) “Owner” shall mean the person(s) listed on the current property tax roll.
- h) “Township” shall mean the Township of Birch Run.
- i) “Township Board” shall mean the Birch Run Township Board.
- j) “Lot” shall mean a parcel of land located within the Township of Birch Run as identified on the Tax rolls for the County of Saginaw.
- k) “Parcel” shall mean any lot of land located within the Township of Birch Run as identified on the tax rolls for the County of Saginaw.

- l) “Structures” shall mean structures as defined in the Birch Run Township Zoning Ordinance.
- m) “Weeds” shall mean all Noxious Weeds, Tall Grass, Tall Brush, Tall Weeds and Other Plants, Grass, Weeds and/or Brush as defined above.
- n) “Woodlot” shall mean a vacant tract of land comprising of a minimum of seventy-five percent (75%) of mature trees.

Application of Ordinance. This Ordinance shall apply to and cover all Weeds, as defined above, found growing in the Township of Birch Run with the following exceptions:

- a. The entire lot in a platted subdivision shall be maintained within this ordinance.
- b. Other lots and parcels shall be maintained within one hundred feet (100’) of a street, property line, right of way and a minimum of fifty (50) feet around all building and structures as determined by the Zoning Administrator.
- c. Woodlots and Agricultural lands shall be exempt from the Weed cutting requirements of this Ordinance up to a height of thirty-six (36) inches.
- d. Nothing in this ordinance shall apply to weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.

SECTION III of the Birch Run Township Nuisance Ordinance, entitled “NOXIOUS/TALL WEEDS/GRASS/BRUSH REGULATIONS” is hereby amended and supplemented to read as follows:

NOXIOUS/TALL WEEDS/GRASS/BRUSH REGULATIONS

Regulation. It shall be the duty of all owners of land upon which weeds, as defined in this ordinance, are growing 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, subject to the exceptions above. It shall be unlawful for grass, weeds or a combination of weeds and grass to exceed 9 inches in height, for lots or parcels in any agricultural, business, industrial district, or any residential district. It shall be the duty of the owner or occupant of said parcel to maintain the lawn area on vacant or occupied parcels, and around all structures as mandated by this Ordinance.

SECTION IV of the Birch Run Township Nuisance Ordinance, entitled “ANTI-NOISE REGULATIONS” is hereby amended and supplemented by changing the section number to section “IV”, by retaining the previously enacted subsection (a), subsection (c) and numbers 2-7 of the previously-enacted subsection (b). The remainder of subsection (b) is amended and supplemented to read as follows:

ANTI-NOISE REGULATIONS

(b) SPECIFIC VIOLATIONS The following noises and disturbances are hereby declared to be violations of this Ordinance; however, this listing is not to be construed to exclude other violations of this Ordinance not specifically enumerated:

1. The playing of any radio, phonograph, compact disc, television, or other electronic or mechanical sound producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.
9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
10. The use of any drum, loud speaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
11. The operation of a loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises unreasonably disturbing to nearby residential property.
12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort, or repose of any person.
13. No vehicles parked in the Township shall be left running for more than ½ an hour during the night hours in a residential or agricultural area, unless exempt under this ordinance.

SECTION V of the Birch Run Township Nuisance Ordinance, entitled “PUBLIC NUISANCE REGULATIONS” is hereby amended and supplemented by changing the section number to section “V”. The section shall read as follows:

PUBLIC NUISANCE REGULATIONS

No Person, firm or corporation shall create, cause or maintain any public nuisance within the Township by the unreasonable emission of dust, smoke, fly ash or noxious odors which are offensive or disturbing to adjacent property owners and/or residents or persons in the area.

SECTION VI of the Birch Run Township Nuisance Ordinance, entitled “COMPLAINTS” is hereby amended and supplemented by changing the section number to section “VI”. The section shall read as follows:

COMPLAINTS

Complainants shall be required to complete a Birch Run Township Complaint Form, located at the Birch Run Township office.

SECTION VII of the Birch Run Township Nuisance Ordinance, entitled “NOTIFICATION TO AND DUTY OF OWNER” is hereby amended and supplemented by changing the section number to section “VII”. The section shall read as follows:

NOTIFICATION TO AND DUTY OF OWNER

- (A) All violators of this Ordinance will have thirty days (30) from the date of the notice to comply with all applicable requirements.
- (B) First Notification for Noxious/Tall Weeds/Grass: The Clerk will publish in the Birch Run/Bridgeport Herald in March a notice to all property owners within the Township that Tall Grass and Weeds, not cut by May 1 of that year may be cut or removed by the Township and the owner of the property charged a fine and cost for the removal of same.

Second Notification for Noxious/Tall Weeds/Grass: After May 1, the Zoning Administrator shall prepare a list of all property owners who have failed to cut Tall Grass and Weeds, on their property as required in Section VII (B) above. The Township shall mail, by first class mail a Second Notification to each property owner on such list, notifying them that they have ten (10) days to comply with the Grass/Weed cutting and removal requirements of the Ordinance or they will be subject to the violation and penalty as stated in Section VIII of the Ordinance.

(C) Duty:

- (1) It shall be the duty of all owners of land on which Tall Weeds, Tall Grass and/or Tall Brush are found to be growing to cut the Tall Weeds, Tall Grass and Tall Brush.
- (2) It shall be the duty of all owners of land on which, any weeds, or Tall Weeds, Tall Grass and/or Tall Brush have been cut to remove the remains from all public sidewalks and streets within the Township of Birch Run.

SECTION VIII of the Birch Run Township Nuisance Ordinance, entitled “VIOLATION AND PENALTY” is hereby amended and supplemented by changing the section number to section “VIII”. The section shall read as follows:

VIOLATION AND PENALTY

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Birch Run Township Ordinance 98-1, which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which Birch Run Township has been put in connection with the municipal civil infraction. The Township shall keep an account of expenses incurred with respect to each parcel of land which is entered upon in carrying out the provisions of this ordinance. The Township Board shall establish by resolution an hourly rate (a fraction of an hour shall be charged the full hourly rate) and an administrative fee which shall be charged by the Township for carrying out the provisions of this ordinance. In order to reimburse the Township for its expenses in administering the inspection, scheduling and notification procedures required under this ordinance, there shall be an annual one-time fee which shall be charged to the owner. Failure to remit payment within the specified time period shall result in said fine and cost placed as a tax lien on said parcel. In no case, however, shall costs of less than \$25.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law. The sanctions herein provided for shall be in addition to any injunctive or other relief, which might be available or appropriate under the circumstances.

In the event that the owner of any lot(s) within the Township, to which the Noxious/Tall Weeds/Grass/Brush portions of this Ordinance applies, fails or refuses to comply with the provisions of this Ordinance, and after being notified in accordance with Section VII (B), said owner shall be found to be in violation of this Ordinance and subject to a fine of One Hundred (\$100.00) per parcel and not more than Five Hundred (\$500.00) Dollars per violation and the cost of removal. Furthermore, the Township of Birch Run or any authorized agent thereof shall have the right, to enter upon such lots and to cut and/or destroy any and all noxious and tall weeds, tall grass and tall brush located thereon. All due care shall be taken to avoid unnecessary damage to said property.

An owner, who has been fined and charged in accordance with Section VIII, shall have thirty (30) days from receipt of said fine and cost to remit payment to the Township or any

authorized agent. Failure to remit payment within the specified time period shall result in said fine and cost plus ten (10%) percent penalty placed as a tax lien on said lot as provided by law against the lot to be charged and collected as in the case of general property tax against the lot, or lots, in question.

From the time of the commencement of the cutting and destruction of such Noxious and Tall Weeds, Tall Grass and Tall Brush, the Township shall have a lien upon the lot or parcel until such time the fine and costs are paid in full.

SECTION IX of the Birch Run Township Nuisance Ordinance, entitled “SEVERABILITY” is hereby amended and supplemented by changing the section number to section “IX”. The section shall read as follows:

SEVERABILITY

The several provisions of this Ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

SECTION X of the Birch Run Township Nuisance Ordinance, entitled “EFFECTIVE DATE” is hereby amended and supplemented by changing the section number to section “X”. The section shall read as follows:

EFFECTIVE DATE

This Ordinance shall take effect thirty-days (30 days) following publication, following adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

RATIFICATION AND CONFIRMATION: The remaining provisions of Ordinance 2006-04 are hereby ratified and confirmed. Any sections or subsection of Ordinance 2006-04 not specifically addressed herein are hereby retained in their previously-enacted form.

SEVERABILITY: The sections and provisions of this Amending Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining section or provisions of this Ordinance.

EFFECTIVE DATE: This Amending Ordinance shall take effect 30 days from the date of its adoption and publication, and all ordinances or any part of any ordinance in conflict with this Amending Ordinance shall be repealed.

This Amending Ordinance is made and passed by the Township of Birch Run, County of Saginaw, State of Michigan, at a regularly held meeting on the 12th day of March, 2019, and ordered to be given publication in the manner prescribed by law.

Amended 3/12/19

CERTIFICATION

ADOPTED: March 12, 2019

YEAS: Kiessling, Letterman, Parlberg, Sheridan, Totten, Trinklein

NAYS: None

ABSENT: Moore

TOWNSHIP OF BIRCH RUN:

By:

RAY LETTERMAN, Township
Supervisor

By:

COREY TRINKLEIN, Township
Clerk

STATE OF MICHIGAN)
COUNTY OF SAGINAW)

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete copy of an amended ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Saginaw County, Michigan, held on the 12th day of March, 2019, and that notice of said meeting was given and in compliance with Act 267, Public Acts of Michigan, 1976. I further certify that the adoption of the instant ordinance was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 13th day of March 2019.

Corey Trinklein, Clerk
Birch Run Township

Date of Publication: March 20, 2019

Newspaper: Birch Run Bridgeport Herald

Amended 3/12/19