

**CHARTER TOWNSHIP OF PITTSFIELD
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 298
REVISIONS TO PROHIBITED VEGETATION
NATURAL LAWN ORDINANCE**

FIRST READING

1 **AN ORDINANCE TO AMEND THE TOWNSHIP CODE TO UPDATE ARTICLE II OF**
2 **CHAPTER 38, VEGETATION, OF THE PITTSFIELD CHARTER TOWNSHIP CODE**
3 **LIMITING GRASS, WEEDS OR UNDERGROWTH TO EIGHT INCHES AND ADDING**
4 **ARTICLE IV, NATURAL LAWN DEFINITIONS, PERMIT REQUIRED,**
5 **APPLICATION PROCESS, RESTRICTIONS, AND PENALTIES.**
6

7 THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN,
8 HEREBY ORDAINS:
9

10 That Article II of Chapter 38, Sections 38-32 through 38-50, is amended, and Article IV of
11 Chapter 38, Sections 38-51 through 38-64, of the Pittsfield Charter Township Code is added to
12 read as follows:

13 **ARTICLE II. PROHIBITED VEGETATION**

14 **Sec. 38-31. Responsibility**
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16 No landowner shall permit property to remain in a condition that violates this article.
17

18 (A.) It shall be the duty of any person(s) having supervision, control, or ownership of any lot,
19 tract, or parcel of land, or any portion thereof, upon which weeds, as defined in this Article are
20 growing:
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22 1) Within platted subdivisions in which buildings have been erected upon 60 percent or more
23 of the lots thereof, or
24

25 2) On parcels of land along paved streets in common usage within the township, to a depth of
26 165 feet beginning at the road right of way, or the depth of the ownership, whichever is the
27 lesser to destroy said weeds before they reach a seed bearing stage, and to prevent said weeds
28 from perpetuating themselves and from becoming a detriment to public health.
29

30 (B.) Nothing in this Article shall apply to weeds growing in fields devoted to growing

31 agricultural crops.

32 **Sec. 38-32. Weeds**

33 For the purpose of this Article, weeds shall include ~~Canada thistle (Cirsium arvense), dodders~~
34 ~~(any species of Cuscuta), mustards (charlock, black mustard and Indian mustard, species of~~
35 ~~Brassica or Sinapis), wild carrot (Daucus carota), bindweed (Convolvulus arvensis), perennial~~
36 ~~sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elator L.),~~
37 ~~poison ivy (rhus toxicodendron), and poison sumac (toxicodendron vernix), all species on the~~
38 ~~Invasive Plants list as adopted by the township board or other plants which, in the opinion of the~~
39 ~~township board, is recognized as deleterious to health, safety or public welfare and recognized as~~
40 ~~a common nuisance.~~

41 **Sec. 38-33. Vegetation Height**

42 Grass, weeds or undergrowth shall not be permitted to grow to a height greater than
43 ~~10~~eight (8) inches.

44 **Sec. 38-34. Definitions**

45 Cultivation means to foster the growth of plants through labor and care.

46 Cultivated Meadow means an area of land covered or cultivated with grasses, usually
47 intended to be mown for hay.

48 Cultivated tree means a tree that has a practical or significant use in agriculture or
49 horticulture and whose unique characteristics are reproduced during propagation.

50 Cultivated shrub means a several-stemmed woody plant of garden origin that has a
51 practical or significant use in agriculture or horticulture and whose unique characteristics
52 are reproduced during propagation.

53 **Sec. 38-~~34~~35. Exceptions**

54
55 The vegetation height limits of Section 38-33 shall not apply to:

- 56 a) Agricultural crops
- 57 b) Cultivated trees
- 58 c) Cultivated shrubs
- 59 d) Flowers or other decorative ornamental plants under cultivation
- 60 e) Wildflowers

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- 61 f) Vegetation in woodlands or wetlands
62 g) Cultivated Meadows
63 h) Meadows in agricultural zones
64 (1) On portions of undeveloped property behind a wooded tree line.
65 (2) On portions of unsubdivided lands more than twenty-five (25) feet
66 from a public sidewalk or a street open to the public.
67 (3) On portions of undeveloped lots in a subdivision less than sixty
68 (60) percent developed lying more than twenty-five (25) feet from
69 a public sidewalk or public street.

70 **Sec. 38-~~3536~~. Obstructions**

71
72 Any bush, shrub, tree or other vegetation or portion thereof obstructing the line of vision
73 or interfering with passage of pedestrians or motorists on a sidewalk, walkway, driveway or
74 street is prohibited in accordance with Section 56.04, Visibility at Intersections, as amended, of
75 the Pittsfield Charter Township Zoning Ordinance.

76 **Sec. 38-~~3637~~. Enforcement**

77
78 (A.) In the event that a property covered by the provisions of this Article is not mowed,
79 the Township Municipal Services Department shall send a notice by first class mail to the owner
80 of record of said property, and to the occupant, if not the owner, advising them of the
81 requirements of this Article and providing fifteen (15) days to comply with its provisions. One
82 notice per parcel per season shall be deemed adequate notice for the entire mowing season.

83 (B.) All properties not in compliance with this Article after the 15 day period provided in
84 Section A, above, shall be mowed by or at the direction of the Township and charges billed to
85 the owner of record. Any additional work required to mow the property such as litter removal or
86 trimming will also be charged as provided. The mowing charges, any additional work, and an
87 administration fee shall be assessed as determined by a fee schedule adopted by the Township
88 Board of Trustees.

89 (C.) Upon determination by the Township that the condition of a property is a violation
90 of this Article and presents a potential threat to the public health, safety or welfare, the Township
91 may waive the fifteen (15) day notification period required in Section A, above, and cause the
92 violation to be immediately corrected with all costs assessed against the property and billed to
93 the owner of record.

94 (D.) All charges which remain unpaid as of October 1, of the current year shall become a
95 lien against the subject property and may be added to the tax rolls for the property.

96
97 **Sec 38-~~37~~38 – 38-40. Reserved**

98 **ARTICLE IV. NATURAL LAWN**

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100 **Sec. 38-51. - Definitions**

101 The following words, terms and phrases, when used in this division shall have the
102 meanings ascribed to them in this section, except where the context clearly indicates a different
103 meaning:

104 Annual Maintenance Plan means a written plan delineating the maintenance that is
105 required throughout the year of a Natural Lawn which has been approved by permit.

106 Natural lawn means common species of grass and wild flowers native to North America
107 which are designed and purposely cultivated to exceed eight inches in height from the ground.
108 Specifically excluded in natural lawns are the noxious grasses and weeds identified in Article 38-
109 32.

110 Natural Lawn Management Plan means a written plan relating to the management and
111 maintenance of a lawn which contains a legal description of lawn upon which the planted grass
112 will exceed eight inches in length, a statement of intent and purpose for the lawn, a detailed
113 description of the vegetation types, plants and plant succession involved, and the specific
114 management and maintenance techniques to be employed.

115
116 **Sec. 38-52. - Growth height of natural lawn restricted**

117 The growth of a natural lawn in excess of eight inches in height from the ground surface
118 shall be prohibited within the Township unless a Natural Lawn Management Plan is approved
119 and a permit is issued by the Township as set forth in this division. Natural lawns shall not
120 contain litter or debris and shall not harbor undesirable wildlife.

121
122 **Sec. 38-53. - Permit required; application process**

123 (a) Property owners interested in applying for permission to establish a natural lawn
124 shall obtain and complete an application form available from the Utilities and Municipal

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125 Services Department. The completed application shall include a detailed site plan,
126 Natural Lawn Management Plan and Annual Maintenance Plan.

127 (b) Upon submitting a completed application, a filing fee in the amount established
128 by the Township Board and maintained in the fee schedule available in the office of the
129 Utilities and Municipal Services Department will be assessed by the Township.

130

131 **Sec. 38-54. - Natural lawn plan required**

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133 Property owners who wish to plant and cultivate a natural lawn must submit their written
134 plan and related information on the form provided by the Township. The term "property owner"
135 shall be defined to include the legal title holder and/or the beneficial owner of any such lot
136 according to most current Township records. Applicants must also submit an annual
137 Maintenance Plan as part of the application process.

138

139 **Sec. 38-55. - Restrictions on development of natural lawns**

140 (a) Applicants are strictly prohibited from developing a natural lawn on any road
141 rights-of-way. This shall include at a minimum property located between the sidewalk
142 and the street or a strip not less than ten feet adjacent to the street where there is no
143 sidewalk whether the area is under public or private ownership.

144 (b) Natural lawns shall not be permitted within ten feet of any adjacent lot or parcel.

145

146 **Sec. 38-56. – Right of appeal of denial of natural lawn permit**

147 The property owner may appeal the Utilities and Municipal Services Director’s decision
148 to deny the Natural Lawn Management Plan Permit by submitting a written statement of appeal
149 to the Utilities and Municipal Services Director. All applications for appeal shall be submitted
150 within 21 calendar days of the notice of denial of the Natural Lawn Management Plan. The
151 request for appeal will be placed on the agenda of a regular or special meeting of the board of
152 trustees. The township board, by a majority vote of those voting, shall determine by a
153 preponderance of the evidence whether the facts warrant the reversal of the denial of the natural
154 lawn permit. The decision rendered by the Township Board shall be final and binding.

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Sec. 38-57. - Safety precautions for natural grass areas

When, in the opinion of the ordinance enforcement officer or his designee, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the code enforcement officer shall consult with the Director of the Department of Public Safety or his designee and may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within three days of receiving written direction from the ordinance enforcement officer.

Sec. 38-58. - Burning of natural lawns restricted

(a) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Director of the Department of Public Safety or his designee shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Director of the Department of Public Safety or his designee.

Sec. 38-59. - Revocation of permit

(a) The Supervisor, upon the recommendation of the Utilities and Municipal Services Director, or his designee, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn, fails to comply with the provisions of this article, or fails to follow the annual approved Maintenance Plan or Natural Lawn Management Plan Permit.

(b) Revocation of an approved Natural Lawn Management Plan Permit shall be appealable to the Township Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written notice of intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revocation of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) -calendar-day requirement will be placed on the agenda of a regular or special meeting of the board of trustees and be reviewed by the Township Board. The township board, by a majority vote of those voting, shall determine by a preponderance of the evidence whether the facts warrant the reversal of the denial of the Natural Lawn Management Plan Permit appeal will become due. The decision rendered by the Township Board shall be final and binding.

Sec. 38-60. - Natural lawn as public nuisance; abatement

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194 (a) The growth of a natural lawn in violation of this Ordinance/Article shall be
195 considered a public nuisance. Violators shall be served with a notice of public
196 nuisance by first class mail to the last known mailing address of the property owner.

197 (b) If the person so served with a notice of public nuisance violation does not abate
198 the nuisance within fifteen (15) days, the Utilities and Municipal Services Director or
199 his designee may proceed to abate such nuisance, keeping an account of the expense
200 of the abatement, and such expense shall be charged to and paid by such property
201 owner.

202 (c) Notice of the bill for abatement of the public nuisance shall be mailed to the
203 owner of the premises by first class mail and shall be payable within 30 calendar days
204 from receipt thereof. Within 30 days after such costs and expenses are incurred and
205 remain unpaid, the unpaid costs and expenses shall become a lien against the subject
206 property and may be added to the tax rolls for the property.

207 (d) A natural lawn area shall be properly maintained in a clean and sanitary condition
208 free from debris, rubbish or garbage, physical hazards, rodent harborage and
209 infestation. If any approved Natural Lawn is deleterious to health, safety or public
210 welfare and is a common nuisance, the township reserves the right to revoke
211 approval. The Township may waive the fifteen (15) days notification period required
212 in Section b, above, and cause the violation to be immediately corrected with all costs
213 assessed against the property and billed to the owner of record.

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216 **Sec. 38-61. – Penalties**

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218 (a) All properties not in compliance with this Ordinance after the 15 day period
219 provided in Section 38-60 (b), above, may be mowed by the Township and charges
220 billed to the owner of record in accordance with a fee schedule adopted by the
221 township board. Any additional work required to mow the property such as litter
222 removal or trimming will also be charged as provided. The mowing charges, any
223 additional work, and an administration fee shall be assessed as determined by a fee
224 schedule adopted by the township board.

225 (b) Upon determination by the Township that the condition of a property is a
226 violation of this Ordinance and presents a potential threat to the public health, safety
227 or welfare, the Township may waive the fifteen (15) day notification period required
228 in Section A, above, and cause the violation to be immediately corrected with all
229 costs assessed against the property and billed to the owner of record.

230 (c) All charges which remain unpaid as of October 1, of the current year shall
231 become a lien against the subject property and may be added to the tax rolls for the
232 property.

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234 **Sec. 38-62. - Repealer**

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236 All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of
237 such conflict.

238
239 **Sec. 38-63. – Savings Clause**

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241 The repeal provided herein shall not abrogate or affect any offense or act committed or done,
242 or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or
243 prosecution of any right established, occurring prior to the effective date hereof.

244
245 **Sec. 38-64. – Adoption and Effective Date**

246
247 This Ordinance shall be published in the manner required by law. Except as otherwise
248 provided by law, this Ordinance shall be effective 30 days after first publication of the
249 Ordinance.

250
251 Secs. 38-64 – 38-100 Reserved

252
253 This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular
254 meeting held on the _____ day of _____, 2011, and was ordered given
255 publication in the manner required by law.

256
257
258
259 Alan Israel Mandy Grewal
260 Charter Township of Pittsfield Clerk Charter Township of Pittsfield Supervisor

261 Dated: _____, 2011 Dated: _____, 2011

262
263 First Reading: _____

264 Posting/Publication of Notice: _____

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265 Adoption: _____

266 Ordinance Publication: _____

267 Effective Date: _____



CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 298, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on _____, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held _____, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member _____ moved for adoption of said Ordinance, and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance _____, and that the following Members voted against adoption of said Ordinance _____, and that the following Members were absent or abstained from voting on the adoption of said Ordinance _____.

I further certify that after its passage the Ordinance was published on _____, 2011, in accordance with P.A. 359 of 1947, as amended, by _____

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

Alan Israel
Charter Township of Pittsfield Clerk

Mandy Grewal
Charter Township of Pittsfield Supervisor

Dated: _____, 2011

Dated: _____, 2011

Effective Date: _____, 2011